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**Editor's Note:** The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2017 until January 2, 2018.

## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2017

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 27, 2016	January 6, 2017
2	January 3, 2017	January 13, 2017
3	January 9, 2017	January 20, 2017
4	January 17, 2017	January 27, 2017
5	January 23, 2017	February 3, 2017
6	January 30, 2017	February 10, 2017
7	February 6, 2017	February 17, 2017
8	February 14, 2017	February 24, 2017
9	February 21, 2017	March 3, 2017
10	February 27, 2017	March 10, 2017
11	March 6, 2017	March 17, 2017
12	March 13, 2017	March 24, 2017
13	March 20, 2017	March 31, 2017
14	March 27, 2017	April 7, 2017
15	April 3, 2017	April 14, 2017
16	April 10, 2017	April 21, 2017
17	April 17, 2017	April 28, 2017
18	April 24, 2017	May 5, 2017
19	May 1, 2017	May 12, 2017
20	May 8, 2017	May 19, 2017

21	May 15, 2017	May 26, 2017
22	May 22, 2017	June 2, 2017
23	May 30, 2017	June 9, 2017
24	June 5, 2017	June 16, 2017
25	June 12, 2017	June 23, 2017
26	June 19, 2017	June 30, 2017
27	June 26, 2017	July 7, 2017
28	July 3, 2017	July 14, 2017
29	July 10, 2017	July 21, 2017
30	July 17, 2017	July 28, 2017
31	July 24, 2017	August 4, 2017
32	July 31, 2017	August 11, 2017
33	August 7, 2017	August 18, 2017
34	August 14, 2017	August 25, 2017
35	August 21, 2017	September 1, 2017
36	August 28, 2017	September 8, 2017
37	September 5, 2017	September 15, 2017
38	September 11, 2017	September 22, 2017
39	September 18, 2017	September 29, 2017
40	September 25, 2017	October 6, 2017
41	October 2, 2017	October 13, 2017
42	October 10, 2017	October 20, 2017
43	October 16, 2017	October 27, 2017
44	October 23, 2017	November 3, 2017
45	October 30, 2017	November 13, 2017
46	November 6, 2017	November 17, 2017
47	November 13, 2017	November 27, 2017
48	November 20, 2017	December 1, 2017
49	November 27, 2017	December 8, 2017
50	December 4, 2017	December 15, 2017
51	December 11, 2017	December 26, 2017
52	December 18, 2017	December 29, 2017

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Electronic Fund Transfers
- 2) Code Citation: 38 Ill. Adm. Code 315
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
315.110	Amendment
315.310	Amendment
315.410	Amendment
- 4) Statutory Authority: Implementing Section 50(e) of the Electronic Fund Transfer Act [205 ILCS 616/50(e)] and authorized by Section 20(1) of the Electronic Fund Transfer Act [205 ILCS 616/20(1)].
- 5) A Complete Description of the Subjects and Issues Involved: These amendments will allow for required disclosures on ATM terminals to be displayed either by physical signage or by electronic notice on the screen; extends this disclosure requirement to include ATMs operated by persons other than financial institutions.

Previous legislation required all ATM terminals – whether owned by a bank or owned by another private business not licensed by IDFPR – to register their terminals with the Department. We've eliminated that requirement. However, for purposes of consumer protection, it is important that any terminal, no matter who owns it, provides users with information on who to contact for a malfunctioning terminal.

The Department has also taken this opportunity to make numerous non-substantive changes to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Banking.

- 6) Any published studies or reports that were used when comprising this rulemaking? None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield IL 62786

217/785-0813  
fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This affects any small businesses or sole incorporators who own and operate terminals anywhere in the State.
- B) Reporting, bookkeeping or other procedures required for compliance: Requires non-bank terminal operators to continue to ensure that all signs physically displayed on their terminals are clear, visible and have not been tampered with. If any non-bank terminal operators choose to make their signage digital, they must update their operating systems to ensure signs are displayed on every terminal screen.
- C) Types of professional skills necessary for compliance: None.
- 14) Regulatory Agenda on which this rulemaking was summarized: These amendments weren't included on either of the 2 most recent agendas because the Division of Banking did not anticipate the passage of PA 100-5, effective 6/30/2017.

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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 38: FINANCIAL INSTITUTIONS

## CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## PART 315

## ELECTRONIC FUND TRANSFERS

## SUBPART A: DEFINITIONS

Section  
315.110 Definitions

## SUBPART B: ARBITRATION OF DISPUTES

Section  
315.210 Scope and Authority (Repealed)  
315.220 Statement of Claim, Response and Reply (Repealed)  
315.230 Motions (Repealed)  
315.240 Appearances (Repealed)  
315.250 Appointment of Hearing Officer (Repealed)  
315.260 Service (Repealed)  
315.270 Procedures (Repealed)

## SUBPART C: FEES FOR THE EXAMINATION OF NETWORKS AND SWITCHES

Section  
315.310 Fees and Charges

## SUBPART D: TERMINALS

Section  
315.410 Requirements for Surcharge [and Contact Information](#) Signage  
315.420 Acceptance of Deposits  
315.430 Reverse Order Personal Identification Number Programming

AUTHORITY: Implementing Section 50(e) of the Electronic Fund Transfer Act [205 ILCS 616/50(e)] and authorized by Section 20(1) of the Electronic Fund Transfer Act [205 ILCS 616/20(1)].

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 20 Ill. Reg. 10832, effective August 1, 1996; amended at 24 Ill. Reg. 4932, effective March 10, 2000; amended at 28 Ill. Reg. 1053, effective January 5, 2004; amended at 28 Ill. Reg. 14789, effective October 27, 2004; amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

AGENCY NOTE: 38 Ill. Adm. Code 310, Electronic Fund Transfers, was repealed and this Part 38 Ill. Adm. Code 315, Electronic Fund Transfers, was adopted at 20 Ill. Reg. 10832, effective August 1, 1996.

## SUBPART A: DEFINITIONS

**Section 315.110 Definitions**

The words and phrases used in this Part and not defined in this Section shall have the meanings ascribed to them in the Electronic Fund Transfer Act [205 ILCS 616].

"Act" means the Electronic Fund Transfer Act [205 ILCS 616].

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

~~"Commissioner" means the Illinois Commissioner of the Office of Banks and Real Estate.~~

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: FEES FOR THE EXAMINATION OF NETWORKS AND SWITCHES

**Section 315.310 Fees and Charges**

The ~~Secretary~~Commissioner is authorized by Section 25 of the Act to examine any network and any switch as to any transaction by, with, or involving a financial institution that has established a terminal in this State. The ~~Secretary~~Commissioner shall charge a fee of no more than \$750 per examiner per day to cover the costs of such an examination. The ~~Secretary~~Commissioner reserves the right to charge less than the fee stated in this Section. The same fee will be charged equally to all networks examined under this Part, unless the examination costs of a particular network justify an additional amount (i.e., out-of-state or out-of-country travel or use of contract personnel).

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: TERMINALS

**Section 315.410 Requirements for Surcharge and Contact Information Signage**

- a) No person operating a terminal in this State shall impose any surcharge on a consumer for the usage of that terminal unless that surcharge is clearly disclosed to the consumer by signage physically attached to the terminal or~~and~~ display screen disclosures clearly visible to the consumer that comply with the following requirements:
- a) ~~The sign must be on or at the terminal and be clearly visible to a consumer while operating the terminal.~~
- 1b) ~~Be at least~~The sign must be no smaller than 4" x 4" ~~and. It must~~ bear the heading "FEE NOTICE" in at least 18-point type centered at the top of the notice with the remaining. ~~The actual~~ text of the disclosure ~~must be~~ in at least 14-point type.
- 2e) Clearly~~The sign must clearly~~ state the following:
- A1) Name of the terminal operator;~~;~~
- B2) Explanation that transactions will receive a surcharge that will be deducted from the consumer's account in addition to any fees imposed by the access device issuer;~~;~~
- C3) Amount or calculation of the surcharge fee; and~~;~~
- D4) The surcharge is assessed by the terminal operator and not the access device issuer.
- 3d) If the disclosure is displayed on the display screen~~The display screen must, it must:~~
- A) be displayed for a reasonable duration;~~;~~
- B) clearly state the amount or calculation of the surcharge fee; and~~;~~ ~~In~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

~~addition, the display screen must~~

- C) clearly give the consumer the unconditional right to cancel the transaction without incurring the surcharge fee.
- b) Any cash-dispensing terminal operating in this State that is owned or established by a person other than a financial institution or an affiliate of a financial institution must provide signage physically attached to the terminal or provide display screen disclosures clearly visible to the consumer with contact information to report any issues with the terminal to the operator of the terminal or to the Secretary, meeting the following requirements:
- 1) Be at least 4" x 4" and bear the heading "CONTACT INFORMATION" in at least 18-point type centered at the top of the notice, with the text of the disclosure in at least 14-point type; and
  - 2) Clearly state the following:
    - A) The name of the operator;
    - B) The telephone number and website address (if applicable) of the operator;
    - C) The name, website address, and telephone number of the Division as follows:

Illinois Department of Financial and Professional Regulation-  
Division of Banking  
(844) 768-1713  
www.idfpr.com.
- ce) This Section does apply to a point-of-sale purchase transaction at a terminal.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Crossbow and Standing Vehicle Hunting Authorizations
- 2) Code Citation: 17 Ill. Adm. Code 760
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
760.10	Repealed
760.20	Repealed
760.22	Repealed
760.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2.25, 2.26 and 2.33 of the Wildlife Code [520 ILCS 5/2.25, 2.26 and 2.33].
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to PA 100-489, crossbow permits are no longer necessary.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporation by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

John Heidinger, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

217/557-6379

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: The Department did not anticipate the need for this rulemaking at the time the Regulatory Agendas were published.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 760  
CROSSBOW AND STANDING VEHICLE  
HUNTING AUTHORIZATIONS

## Section

760.10	Issuance of Permits ( <u>Repealed</u> )
760.20	Crossbow Permits ( <u>Repealed</u> )
760.21	Crossbow Equipment Requirements
760.22	Crossbow Hunting Rules( <u>Repealed</u> )
760.30	Standing Vehicle Permits
760.40	Rejection of Application/Revocation of Permits

AUTHORITY: Implementing and authorized by Sections 2.25, 2.26 and 2.33 of the Wildlife Code [520 ILCS 5/2.25, 2.26 and 2.33].

SOURCE: Adopted at 24 Ill. Reg. 4950, effective March 13, 2000; amended at 24 Ill. Reg. 19178, effective December 18, 2000; amended at 25 Ill. Reg. 6899, effective May 21, 2001; amended at 25 Ill. Reg. 15585, effective November 21, 2001; amended at 32 Ill. Reg. 3294, effective February 25, 2008; amended at 34 Ill. Reg. 12862, effective August 20, 2010; emergency amendment at 36 Ill. Reg. 4428, effective March 7, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 11152, effective July 3, 2012; amended at 40 Ill. Reg. 13633, effective September 13, 2016; amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 760.10 Issuance of Permits (Repealed)**

- a) ~~Persons age 62 and older may hunt with the use of a crossbow in accordance with this Part without first obtaining a crossbow permit.~~
- b) ~~The Department of Natural Resources (Department) shall, after investigation, issue a permit to hunt with a crossbow to any qualified person as provided in Section 760.20.~~
- e) ~~The Department shall, after investigation, issue a permit to hunt from a standing vehicle to any qualified person as described in Section 760.30.~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- d) ~~An applicant for a crossbow or standing vehicle permit shall submit an application on a form prepared and furnished by the Department, which shall include a written statement or report prepared and signed by a licensed physician, no more than 3 months preceding receipt of the application by the Department, verifying that the applicant is physically disabled as defined in Section 760.20(a) or 760.30(a) of this Part.~~

(Source: Repealed at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 760.20 Crossbow Permits (Repealed)**

- a) ~~Eligibility~~  
~~After proper application, the Department shall issue a permanent (Class A) permit or temporary (Class B) permit to hunt with a crossbow to those persons who have a permanent or temporary physical impairment due to injury or disease, congenital or acquired, that renders them so severely disabled as to be unable to use a conventional bow and arrow device.~~
- 1) ~~Class A Permanent Disability~~  
~~A person who meets any of the following qualifies for a permanent crossbow permit:~~
- A) ~~Has an amputation or other loss of one or more arms.~~
- B) ~~Has an amputation or other loss of the index and middle finger on the draw and release hand.~~
- C) ~~Has a permanent substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of any one of the following standard tests, administered under the direction of a licensed physician:~~
- i) ~~Upper extremity pinch.~~
- ii) ~~Grip.~~
- iii) ~~Nine-hole peg.~~

## DEPARTMENT OF NATURAL RESOURCES

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- D) ~~Has a permanent substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength tests, administered under the direction of a licensed physician.~~
- E) ~~Is blind.~~
- i) ~~For the purpose of this subsection (a)(1)(E)(i), an individual is blind only if his or her central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his or her visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees.~~
- ii) ~~The holder of a crossbow permit issued under this subsection (a)(1)(E)(ii) shall be accompanied by a person who is not eligible to apply for a permit under this subsection. The accompanying person may not hunt or carry a firearm, bow, or crossbow unless that person has the appropriate licenses and/or permits to do so. The assistance rendered by the accompanying person who has not been issued the appropriate licenses and/or permits shall be limited to sighting the crossbow, identifying the game and field dressing, tagging and retrieving game for the permit holder.~~
- 2) ~~Class B Temporary Disability~~  
~~A person who meets any of the following qualifies for a temporary crossbow permit:~~
- A) ~~Has a temporary, substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of any one of the following standard tests administered under the direction of a licensed physician:~~
- i) ~~Upper extremity pinch.~~
- ii) ~~Grip.~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- iii) ~~Nine-hole peg.~~
- B) ~~Has a temporary, substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength tests administered under the direction of a licensed physician.~~
- b) ~~Any applicant with a permanent physical disability who, after taking the standard tests described in subsections (a)(1)(C), (a)(1)(D), (a)(2)(A) or (a)(2)(B) fails to qualify for a crossbow permit may file a supplemental application with the Department for further consideration and review. The nature of the applicant's disability and how it renders the applicant unable to use a conventional bow and arrow device must be thoroughly explained on the supplemental application by the physician. The supplemental application shall be forwarded to a physician, selected by the Department, who is board certified in occupational and preventive medicine. The Department's physician will then notify the Department as to whether the applicant should be issued a crossbow permit.~~
- e) ~~Class A permits issued under this Section shall be valid for a period of 3 years from the date of issuance specified on the permit. Class B permits issued under this Section shall be valid for a period of 1 year from the date of issuance specified on the permit.~~
- d) ~~Loss of the crossbow hunting permit shall require the holder to reapply.~~
- e) ~~Reapplication will require the Class A permit applicant to certify that he/she is still suffering from a permanent physical disability that renders him/her unable to use a conventional bow and arrow device. Persons issued a Class B permit are required to reapply upon expiration of the permit.~~
- f) ~~By virtue of applying for a crossbow permit, the applicant is certifying that he or she is physically unable to use a conventional bow and arrow device. Once the crossbow permit is issued, and during the period that it is in effect, the permittee shall be limited to using a crossbow while archery hunting.~~

(Source: Repealed at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 760.22 Crossbow Hunting Rules (Repealed)**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- a) ~~Hunters utilizing a crossbow in accordance with this Part are authorized to take game species during the seasons open to their taking by the use of archery devices. Season dates, hours, daily limits, possession limits and all other requirements of law apply.~~
- b) ~~The crossbow authorization does not exempt the hunter from the necessity of obtaining hunting licenses, stamps or other permits as required by law.~~
- e) ~~The crossbow permit must be carried by the disabled hunter while exercising this privilege and must be presented to any law enforcement authority upon request.~~
- d) ~~A valid photo ID with proof of age must be carried by persons age 62 and older while exercising this privilege and must be presented to any law enforcement authority upon request.~~

(Source: Repealed at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 760.40 Rejection of Application/Revocation of Permits**

- a) The Department may issue a permit to an applicant who is denied a permit under this Part if, upon review and after considering the physical condition of the applicant and the recommendation of a licensed physician selected by the applicant from a list of licensed physicians compiled by the Department, the Department finds that issuance of a permit complies with the intent of this Part. The use of this review procedure must be initiated by written request for review from the applicant, and all costs of the physician's services shall be paid by the applicant.
- b) In the event that an applicant for or holder of a ~~crossbow or~~ standing vehicle permit is in violation of this subsection (b), the application will be denied or the permit will be revoked in addition to any other penalties. The applicant/holder of the permit may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Violations are as follows:
  - 1) Providing false and/or deceptive information on the permit application form.
  - 2) Submitting an application during the period when the applicant has a license/permit currently revoked or privileges suspended pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 3) Any violations of the Wildlife Code [520 ILCS 5] or administrative rules of the Department (17 Ill. Adm. Code: Chapter I), in addition to other penalties, may result in suspension of privileges and the revocation of ~~crossbow and~~ standing vehicle permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Control of Emissions from Large Combustion Sources
- 2) Code Citation: 35 Ill. Adm. Code 225
- 3) Section Number: 225.233                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 27 of the Environmental Protection Act [415 ILCS 5/10 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: The proposal will provide certain coal-fired electric generating units owned by Dynegy in central and southern Illinois with additional flexibility in complying with the Multi-Pollutant Standard (MPS) under Part 225, the Illinois mercury rule. The MPS establishes control requirements and emission standards for nitrogen oxides, sulfur dioxide, and mercury. The proposed amendments relate only to the MPS's annual and seasonal emission standards for NO<sub>x</sub> and annual standard for SO<sub>2</sub>, and would provide operational flexibility in complying with those standards while protecting air quality.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None cited by IEPA.
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R18-20 and be addressed to:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

Clerk's Office  
Illinois Pollution Control Board  
JRTC  
100 W. Randolph St., Suite 11-500  
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

Interested persons may request copies of the Board's opinion and order in R18-20 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information, contact hearing officer Mark Powell at 312/814-6887 or by e-mail at [mark.powell@illinois.gov](mailto:mark.powell@illinois.gov).

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2017

The full text of the Proposed Amendment begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

## PART 225

## CONTROL OF EMISSIONS FROM LARGE COMBUSTION SOURCES

## SUBPART A: GENERAL PROVISIONS

Section	
225.100	Severability
225.120	Abbreviations and Acronyms
225.130	Definitions
225.140	Incorporations by Reference
225.150	Commence Commercial Operation

SUBPART B: CONTROL OF MERCURY EMISSIONS  
FROM COAL-FIRED ELECTRIC GENERATING UNITS

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225.202	Measurement Methods
225.205	Applicability
225.210	Compliance Requirements
225.220	Clean Air Act Permit Program (CAAPP) Permit Requirements
225.230	Emission Standards for EGUs at Existing Sources
225.232	Averaging Demonstrations for Existing Sources
225.233	Multi-Pollutant <del>Standards</del> Standard (MPS)
225.234	Temporary Technology-Based Standard for EGUs at Existing Sources
225.235	Units Scheduled for Permanent Shut Down
225.237	Emission Standards for New Sources with EGUs
225.238	Temporary Technology-Based Standard for New Sources with EGUs
225.239	Periodic Emissions Testing Alternative Requirements
225.240	General Monitoring and Reporting Requirements
225.250	Initial Certification and Recertification Procedures for Emissions Monitoring
225.260	Out of Control Periods and Data Availability for Emission Monitors
225.261	Additional Requirements to Provide Heat Input Data

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225.263	Monitoring of Gross Electrical Output
225.265	Coal Analysis for Input Mercury Levels
225.270	Notifications
225.290	Recordkeeping and Reporting
225.291	Combined Pollutant Standard: Purpose
225.292	Applicability of the Combined Pollutant Standard
225.293	Combined Pollutant Standard: Notice of Intent
225.294	Combined Pollutant Standard: Control Technology Requirements and Emissions Standards for Mercury
225.295	Combined Pollutant Standard: Emissions Standards for NO <sub>x</sub> and SO <sub>2</sub>
225.296	Combined Pollutant Standard: Control Technology Requirements for NO <sub>x</sub> , SO <sub>2</sub> , and PM Emissions
225.297	Combined Pollutant Standard: Permanent Shut-Downs
225.298	Combined Pollutant Standard: Requirements for NO <sub>x</sub> and SO <sub>2</sub> Allowances
225.299	Combined Pollutant Standard: Clean Air Act Requirements

SUBPART C: CLEAN AIR ACT INTERSTATE  
RULE (CAIR) SO<sub>2</sub> TRADING PROGRAM

Section	
225.300	Purpose
225.305	Applicability
225.310	Compliance Requirements
225.315	Appeal Procedures
225.320	Permit Requirements
225.325	Trading Program

SUBPART D: CAIR NO<sub>x</sub> ANNUAL TRADING PROGRAM

Section	
225.400	Purpose
225.405	Applicability
225.410	Compliance Requirements
225.415	Appeal Procedures
225.420	Permit Requirements
225.425	Annual Trading Budget
225.430	Timing for Annual Allocations
225.435	Methodology for Calculating Annual Allocations
225.440	Annual Allocations

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225.445	New Unit Set-Aside (NUSA)
225.450	Monitoring, Recordkeeping and Reporting Requirements for Gross Electrical Output and Useful Thermal Energy
225.455	Clean Air Set-Aside (CASA)
225.460	Energy Efficiency and Conservation, Renewable Energy, and Clean Technology Projects
225.465	Clean Air Set-Aside (CASA) Allowances
225.470	Clean Air Set-Aside (CASA) Applications
225.475	Agency Action on Clean Air Set-Aside (CASA) Applications
225.480	Compliance Supplement Pool

SUBPART E: CAIR NO<sub>x</sub> OZONE SEASON TRADING PROGRAM

Section	
225.500	Purpose
225.505	Applicability
225.510	Compliance Requirements
225.515	Appeal Procedures
225.520	Permit Requirements
225.525	Ozone Season Trading Budget
225.530	Timing for Ozone Season Allocations
225.535	Methodology for Calculating Ozone Season Allocations
225.540	Ozone Season Allocations
225.545	New Unit Set-Aside (NUSA)
225.550	Monitoring, Recordkeeping and Reporting Requirements for Gross Electrical Output and Useful Thermal Energy
225.555	Clean Air Set-Aside (CASA)
225.560	Energy Efficiency and Conservation, Renewable Energy, and Clean Technology Projects
225.565	Clean Air Set-Aside (CASA) Allowances
225.570	Clean Air Set-Aside (CASA) Applications
225.575	Agency Action on Clean Air Set-Aside (CASA) Applications

## SUBPART F: COMBINED POLLUTANT STANDARDS

225.600	Purpose (Repealed)
225.605	Applicability (Repealed)
225.610	Notice of Intent (Repealed)

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- 225.615 Control Technology Requirements and Emissions Standards for Mercury (Repealed)
- 225.620 Emissions Standards for NO<sub>x</sub> and SO<sub>2</sub> (Repealed)
- 225.625 Control Technology Requirements for NO<sub>x</sub>, SO<sub>2</sub>, and PM Emissions (Repealed)
- 225.630 Permanent Shut Downs (Repealed)
- 225.635 Requirements for CAIR SO<sub>2</sub>, CAIR NO<sub>x</sub>, and CAIR NO<sub>x</sub> Ozone Season Allowances (Repealed)
- 225.640 Clean Air Act Requirements (Repealed)
  
- 225.APPENDIX A Specified EGUs for Purposes of the CPS (Coal-Fired Boilers as of July 1, 2006)
- 225.APPENDIX B Continuous Emission Monitoring Systems for Mercury
  - 225.EXHIBIT A Specifications and Test Procedures
  - 225.EXHIBIT B Quality Assurance and Quality Control Procedures
  - 225.EXHIBIT C Conversion Procedures
  - 225.EXHIBIT D Quality Assurance and Operating Procedures for Sorbent Trap Monitoring Systems

AUTHORITY: Implementing and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

SOURCE: Adopted in R06-25 at 31 Ill. Reg. 129, effective December 21, 2006; amended in R06-26 at 31 Ill. Reg. 12864, effective August 31, 2007; amended in R09-10 at 33 Ill. Reg. 10427, effective June 26, 2009; amended in R15-21 at 39 Ill. Reg. 16225, effective December 7, 2015; amended in R18-20 at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: CONTROL OF MERCURY EMISSIONS  
FROM COAL-FIRED ELECTRIC GENERATING UNITS

**Section 225.233 Multi-Pollutant Standards (MPS)**

- a) General:
  - 1) As an alternative to compliance with the emissions standards of Section 225.230(a), the owner of eligible EGUs may elect for those EGUs to demonstrate compliance pursuant to this Section, which establishes control requirements and standards for emissions of NO<sub>x</sub> and SO<sub>2</sub>, as well as for emissions of mercury.

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- 2) For the purpose of this Section, the following requirements apply:
  - A) An eligible EGU is an EGU that is located in Illinois and which commenced commercial operation on or before December 31, 2004; and
  - B) Ownership of an eligible EGU is determined based on direct ownership, by the holding of a majority interest in a company that owns the EGU or EGUs, or by the common ownership of the company that owns the EGU, whether through a parent-subsidiary relationship, as a sister corporation, or as an affiliated corporation with the same parent corporation, provided that the owner has the right or authority to submit a CAAPP application on behalf of the EGU.
- 3) The owner of one or more EGUs electing to demonstrate compliance with this Subpart B pursuant to this Section must submit an application for a CAAPP permit modification to the Agency, as provided in Section 225.220, that includes the information specified in subsection (b) ~~of this Section~~ and which clearly states the owner's election to demonstrate compliance pursuant to this Section 225.233.
  - A) If the owner of one or more EGUs elects to demonstrate compliance with this Subpart pursuant to this Section, then all EGUs it owns in Illinois as of July 1, 2006, as defined in subsection (a)(2)(B) ~~of this Section~~, must be thereafter subject to the standards and control requirements of this Section, except as provided in subsection (a)(3)(B). Such EGUs must be referred to as a Multi-Pollutant Standard (MPS) Group.
  - B) Notwithstanding the foregoing, the owner may exclude from an MPS Group any EGU scheduled for permanent shutdown that the owner so designates in its CAAPP application required to be submitted pursuant to subsection (a)(3) ~~of this Section~~, with compliance for such units to be achieved by means of Section 225.235.
- 4) Notwithstanding any contrary provision in this subsection (a), on and after January 1, 2018:

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- A) The following EGUs shall be merged into a new MPS Group: Baldwin Units 1, 2, and 3; Coffeen Units 1 and 2; Duck Creek Unit 1; E.D. Edwards Units 2 and 3; Havana Unit 9; Hennepin Units 1 and 2; Joppa Units 1, 2, 3, 4, 5, and 6; and Newton Unit 1. If one or more of the above EGUs are transferred to a different owner, such EGU or EGUs will become a separate MPS Group on and after the date of transfer. For purposes of this Section, "transfer" means sale, conveyance, transfer, or other change in ownership of an EGU; and
- B) No other EGUs except for those listed in subsection (a)(4)(A) of this Section are subject to the requirements of this Section.

54) When an EGU is subject to the requirements of this Section, the requirements apply to all owners or operators of the EGU.

b) Notice of Intent-

The owner of one or more EGUs that intends to comply with this Subpart B by means of this Section must notify the Agency of its intention by December 31, 2007. The following information must accompany the notification:

- 1) The identification of each EGU that will be complying with this Subpart B by means of the multi-pollutant standards contained in this Section, with evidence that the owner has identified all EGUs that it owned in Illinois as of July 1, 2006 and which commenced commercial operation on or before December 31, 2004;
- 2) If an EGU identified in subsection (b)(1)-~~of this Section~~ is also owned or operated by a person different than the owner submitting the notice of intent, a demonstration that the submitter has the right to commit the EGU or authorization from the responsible official for the EGU accepting the application;
- 3) The Base Emission Rates for the EGUs, with copies of supporting data and calculations;
- 4) A summary of the current control devices installed and operating on each EGU and identification of the additional control devices that will likely be

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needed for the each EGU to comply with emission control requirements of this Section, including identification of each EGU in the MPS group that will be addressed by subsection (c)(1)(B) ~~of this Section~~, with information showing that the eligibility criteria for this subsection (b) are satisfied; and

- 5) Identification of each EGU that is scheduled for permanent shut down, as provided by Section 225.235, which will not be part of the MPS Group and which will not be demonstrating compliance with this Subpart B pursuant to this Section.
- c) Control Technology Requirements for Emissions of Mercury-
- 1) Requirements for EGUs in an MPS Group-
    - A) For each EGU in an MPS Group other than an EGU that is addressed by subsection (c)(1)(B) ~~of this Section~~ for the period beginning July 1, 2009 (or December 31, 2009 for an EGU for which an SO<sub>2</sub> scrubber or fabric filter is being installed to be in operation by December 31, 2009), and ending on December 31, 2014 (or such earlier date that the EGU is subject to the mercury emission standard in subsection (d)(1) ~~of this Section~~), the owner or operator of the EGU must install, to the extent not already installed, and properly operate and maintain one of the following emission control devices:
      - i) A Halogenated Activated Carbon Injection System, complying with the sorbent injection requirements of subsection (c)(2) ~~of this Section~~, except as may be otherwise provided by subsection (c)(4) ~~of this Section~~, and followed by a Cold-Side Electrostatic Precipitator or Fabric Filter; or
      - ii) If the boiler fires bituminous coal, a Selective Catalytic Reduction (SCR) System and an SO<sub>2</sub> Scrubber.
    - B) An owner of an EGU in an MPS Group has two options under this subsection (c). For an MPS Group that contains EGUs smaller than 90 gross MW in capacity, the owner may designate any such EGUs to be not subject to subsection (c)(1)(A) ~~of this Section~~. Or,

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for an MPS Group that contains EGUs with gross MW capacity of less than 115 MW, the owner may designate any such EGUs to be not subject to subsection (c)(1)(A) ~~of this Section~~, provided that the aggregate gross MW capacity of the designated EGUs does not exceed 4% of the total gross MW capacity of the MPS Group. For any EGU subject to one of these two options, unless the EGU is subject to the emission standards in subsection (d)(2) ~~of this Section~~, beginning on January 1, 2013, and continuing until such date that the owner or operator of the EGU commits to comply with the mercury emission standard in subsection (d)(2) ~~of this Section~~, the owner or operator of the EGU must install and properly operate and maintain a Halogenated Activated Carbon Injection System that complies with the sorbent injection requirements of subsection (c)(2) ~~of this Section~~, except as may be otherwise provided by subsection (c)(4) ~~of this Section~~, and followed by either a Cold-Side Electrostatic Precipitator or Fabric Filter. The use of a properly installed, operated, and maintained Halogenated Activated Carbon Injection System that meets the sorbent injection requirements of subsection (c)(2) ~~of this Section~~ is defined as the "principal control technique."

- 2) For each EGU for which injection of halogenated activated carbon is required by subsection (c)(1) ~~of this Section~~, the owner or operator of the EGU must inject halogenated activated carbon in an optimum manner, which, except as provided in subsection (c)(4) ~~of this Section~~, is defined as all of the following:
  - A) The use of an injection system designed for effective absorption of mercury, considering the configuration of the EGU and its ductwork;
  - B) The injection of halogenated activated carbon manufactured by Alstom, Norit, or Sorbent Technologies, Calgon Carbon's FLUEPAC CF Plus, or Calgon Carbon's FLUEPAC MC Plus, or the injection of any other halogenated activated carbon or sorbent that the owner or operator of the EGU has demonstrated to have similar or better effectiveness for control of mercury emissions; and

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- C) The injection of sorbent at the following minimum rates, as applicable:
- i) For an EGU firing subbituminous coal, 5.0 lbs per million actual cubic feet or, for any cyclone-fired EGU that will install a scrubber and baghouse by December 31, 2012, and which already meets an emission rate of 0.020 lbs mercury/GWh gross electrical output or at least 75 percent reduction of input mercury, 2.5 lbs per million actual cubic feet;
  - ii) For an EGU firing bituminous coal, 10.0 lbs per million actual cubic feet for any cyclone-fired EGU that will install a scrubber and baghouse by December 31, 2012, and which already meets an emission rate of 0.020 lb mercury/GWh gross electrical output or at least 75 percent reduction of input mercury, 5.0 lbs per million actual cubic feet;
  - iii) For an EGU firing a blend of subbituminous and bituminous coal, a rate that is the weighted average of the above rates, based on the blend of coal being fired; or
  - iv) A rate or rates set lower by the Agency, in writing, than the rate specified in any of subsections (c)(2)(C)(i), (c)(2)(C)(ii), or (c)(2)(C)(iii) ~~of this Section~~ on a unit-specific basis, provided that the owner or operator of the EGU has demonstrated that such rate or rates are needed so that carbon injection will not increase particulate matter emissions or opacity so as to threaten noncompliance with applicable requirements for particulate matter or opacity.
- D) For the purposes of subsection (c)(2)(C) ~~of this Section~~, the flue gas flow rate shall be the gas flow rate in the stack for all units except for those equipped with activated carbon injection prior to a hot-side electrostatic precipitator; for units equipped with activated carbon injection prior to a hot-side electrostatic precipitator, the flue gas flow rate shall be the gas flow rate at the inlet to the hot-side electrostatic precipitator, which shall be determined as the stack flow rate adjusted through the use of Charles' Law for the

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differences in gas temperatures in the stack and at the inlet to the electrostatic precipitator ( $V_{esp} = V_{stack} \times T_{esp}/T_{stack}$ , where  $V$  = gas flow rate in acf and  $T$  = gas temperature in Kelvin or Rankine

- 3) The owner or operator of an EGU that seeks to operate an EGU with an activated carbon injection rate or rates that are set on a unit-specific basis pursuant to subsection (c)(2)(C)(iv) ~~of this Section~~ must submit an application to the Agency proposing such rate or rates, and must meet the requirements of subsections (c)(3)(A) and (c)(3)(B) ~~of this Section~~, subject to the limitations of subsections (c)(3)(C) and (c)(3)(D) ~~of this Section~~:
  - A) The application must be submitted as an application for a new or revised federally enforceable operating permit for the EGU, and it must include a summary of relevant mercury emission data for the EGU, the unit-specific injection rate or rates that are proposed, and detailed information to support the proposed injection rate or rates; and
  - B) This application must be submitted no later than the date that activated carbon must first be injected. For example, the owner or operator of an EGU that must inject activated carbon pursuant to subsection (c)(1)(A) ~~of this subsection~~ must apply for unit-specific injection rate or rates by July 1, 2009. Thereafter, the owner or operator of the EGU may supplement its application; and
  - C) Any decision of the Agency denying a permit or granting a permit with conditions that set a lower injection rate or rates may be appealed to the Board pursuant to Section 39 of the Act; and
  - D) The owner or operator of an EGU may operate at the injection rate or rates proposed in its application until a final decision is made on the application, including a final decision on any appeal to the Board.
- 4) During any evaluation of the effectiveness of a listed sorbent, an alternative sorbent, or other technique to control mercury emissions, the owner or operator of an EGU need not comply with the requirements of subsection (c)(2) ~~of this Section~~ for any system needed to carry out the evaluation, as further provided as follows:

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- A) The owner or operator of the EGU must conduct the evaluation in accordance with a formal evaluation program submitted to the Agency at least 30 days prior to commencement of the evaluation;
  - B) The duration and scope of the evaluation may not exceed the duration and scope reasonably needed to complete the desired evaluation of the alternative control technique, as initially addressed by the owner or operator in a support document submitted with the evaluation program;
  - C) The owner or operator of the EGU must submit a report to the Agency no later than 30 days after the conclusion of the evaluation that describes the evaluation conducted and which provides the results of the evaluation; and
  - D) If the evaluation of the alternative control technique shows less effective control of mercury emissions from the EGU than was achieved with the principal control technique, the owner or operator of the EGU must resume use of the principal control technique. If the evaluation of the alternative control technique shows comparable effectiveness to the principal control technique, the owner or operator of the EGU may either continue to use the alternative control technique in a manner that is at least as effective as the principal control technique, or it may resume use of the principal control technique. If the evaluation of the alternative control technique shows more effective control of mercury emissions than the control technique, the owner or operator of the EGU must continue to use the alternative control technique in a manner that is more effective than the principal control technique, so long as it continues to be subject to this subsection (c).
- 5) In addition to complying with the applicable recordkeeping and monitoring requirements in Sections 225.240 through 225.290, the owner or operator of an EGU that elects to comply with this Subpart B by means of this Section must also comply with the following additional requirements:

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- A) For the first 36 months that injection of sorbent is required, it must maintain records of the usage of sorbent, the flue gas flow rate from the EGU (and, if the unit is equipped with activated carbon injection prior to a hot-side electrostatic precipitator, flue gas temperature at the inlet of the hot-side electrostatic precipitator and in the stack), and the sorbent feed rate, in pounds per million actual cubic feet of flue, on a weekly average;
  - B) After the first 36 months that injection of sorbent is required, it must monitor activated sorbent feed rate to the EGU, gas flow rate in the stack, and, if the unit is equipped with activated carbon injection prior to a hot-side electrostatic precipitator, flue gas temperature at the inlet of the hot-side electrostatic precipitator and in the stack. It must automatically record this data and the sorbent carbon feed rate, in pounds per million actual cubic feet of flue gas, on an hourly average; and
  - C) If a blend of bituminous and subbituminous coal is fired in the EGU, it must keep records of the amount of each type of coal burned and the required injection rate for injection of activated carbon, on a weekly basis.
- 6) Until June 30, 2012, as an alternative to the CEMS or excepted monitoring system (sorbent trap system) monitoring, recordkeeping, and reporting requirements in Sections 225.240 through 225.290, the owner or operator of an EGU may elect to comply with the emissions testing, monitoring, recordkeeping, and reporting requirements in Section 225.239(c), (d), (e), (f)(1) and (2), (h)(2), (i)(3) and (4), and (j)(1).
- 7) In addition to complying with the applicable reporting requirements in Sections 225.240 through 225.290, the owner or operator of an EGU that elects to comply with this Subpart B by means of this Section must also submit quarterly reports for the recordkeeping and monitoring conducted pursuant to subsection (c)(5) of this Section.
- d) Emission Standards for Mercury:
- 1) For each EGU in an MPS Group that is not addressed by subsection (c)(1)(B) ~~of this Section~~, beginning January 1, 2015 (or such earlier date

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when the owner or operator of the EGU notifies the Agency that it will comply with these standards) and continuing thereafter, the owner or operator of the EGU must comply with one of the following standards on a rolling 12-month basis:

- A) An emission standard of 0.0080 lb mercury/GWh gross electrical output; or
  - B) A minimum 90-percent reduction of input mercury.
- 2) For each EGU in an MPS Group that has been addressed under subsection (c)(1)(B) ~~of this Section~~, beginning on the date when the owner or operator of the EGU notifies the Agency that it will comply with these standards and continuing thereafter, the owner or operator of the EGU must comply with one of the following standards on a rolling 12-month basis:
- A) An emission standard of 0.0080 lb mercury/GWh gross electrical output; or
  - B) A minimum 90-percent reduction of input mercury.
- 3) Compliance with the mercury emission standard or reduction requirement of this subsection (d) must be calculated in accordance with Section 225.230(a) or (d), or Section 225.232 until December 31, 2013.
- 4) Until June 30, 2012, as an alternative to demonstrating compliance with the emissions standards in this subsection (d), the owner or operator of an EGU may elect to comply with the emissions testing requirements in Section 225.239(a)(4), (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this Subpart.
- e) Emission Standards for NO<sub>x</sub> and SO<sub>2</sub>:
- 1) NO<sub>x</sub> Emission Standards:
    - A) Beginning in calendar year 2012 and continuing through calendar year 2017 ~~in each calendar thereafter~~, for the EGUs in each MPS Group, the owner and operator of the EGUs must comply with an

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overall ~~NO<sub>x</sub>-NO<sub>x</sub>~~ annual emission rate of no more than 0.11 lb/million Btu or an emission rate equivalent to 52 percent of the Base Annual Rate of NO<sub>x</sub> emissions, whichever is more stringent.

- B) Beginning in the 2012 ozone season and continuing through the 2017 in each ozone season ~~thereafter~~, for the EGUs in each MPS Group, the owner and operator of the EGUs must comply with an overall NO<sub>x</sub> seasonal emission rate of no more than 0.11 lb/million Btu or an emission rate equivalent to 80 percent of the Base Seasonal Rate of NO<sub>x</sub> emissions, whichever is more stringent.
- C) Except as otherwise provided in subsection (f), beginning in calendar year 2018 and continuing in each calendar year thereafter, the owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined annual NO<sub>x</sub> emissions in excess of 25,000 tons from all EGUs.
- D) Except as otherwise provided in subsection (f), beginning in the year 2018 and continuing in each year thereafter, from May 1 to September 30 the owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined NO<sub>x</sub> emissions in excess of 11,500 tons from all EGUs.
- E) On and after January 1, 2018, the owner and operator of any of Baldwin Units 1 and 2, Coffeen Units 1 and 2, Duck Creek Unit 1, E.D. Edwards Unit 3, and Havana Unit 9 must comply with the following:
- i) Operate each existing selective catalytic reduction (SCR) control system on each EGU in accordance with good operating practices and at all times when the unit it serves is in operation, provided that such operation of the SCR control system is consistent with the technological limitations, manufacturers' specifications, and good engineering and maintenance practices for the SCR control system. During any such period in which the SCR is not operational, the owner and operator must minimize emissions to the extent reasonably practicable. All NO<sub>x</sub> emissions from each EGU, regardless of whether the SCR is operational or non-

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operational, must be included in determining compliance with the emission standards set forth under subsections (e)(1)(C), (e)(1)(D), and (f)(1), as applicable.

ii) From May 1 to September 30, comply with a combined NO<sub>x</sub> average emission rate of no more than 0.10 lb/mmBtu. Averaging is only allowed among EGUs in the same MPS Group.

2) SO<sub>2</sub> Emission Standards-

A) Beginning in calendar year 2013 and continuing in calendar year 2014, for the EGUs in each MPS Group, the owner and operator of the EGUs must comply with an overall SO<sub>2</sub> annual emission rate of 0.33 lb/million Btu or a rate equivalent to 44 percent of the Base Rate of SO<sub>2</sub> emissions, whichever is more stringent.

B) Beginning in calendar year 2015 and continuing through calendar year 2017~~in each calendar year thereafter~~, for the EGUs in each MPS Grouping, the owner and operator of the EGUs must comply with an overall annual emission rate for SO<sub>2</sub> of 0.25 lbs/million Btu or a rate equivalent to 35 percent of the Base Rate of SO<sub>2</sub> emissions, whichever is more stringent.

C) Except as otherwise provided in subsection (f), beginning in calendar year 2018 and continuing in each calendar year thereafter, the owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined annual SO<sub>2</sub> emissions in excess of 55,000 tons from all EGUs.

D) Beginning in calendar year 2018 and continuing in each calendar year thereafter, the owner and operator of Joppa Units 1, 2, 3, 4, 5, and 6 must not cause or allow to be discharged into the atmosphere combined annual SO<sub>2</sub> emissions in excess of 19,860 tons from such EGUs.

3) ~~Ameren MPS Group Multi-Pollutant Standard~~

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- A) ~~Notwithstanding the provisions of subsections (c)(1) and (2) of this Section, this subsection (c)(3) applies to the Ameren MPS Group as described in the notice of intent submitted by Ameren Energy Resources in accordance with subsection (b) of this Section.~~
- B) ~~NO<sub>x</sub> Emission Standards~~
- i) ~~Beginning in the 2010 ozone season and continuing in each ozone season thereafter, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply with an overall NO<sub>x</sub> seasonal emission rate of no more than 0.11 lb/million Btu.~~
- ii) ~~Beginning in calendar year 2010 and continuing in calendar year 2011, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply with an overall NO<sub>x</sub> annual emission rate of no more than 0.14 lb/million Btu.~~
- iii) ~~Beginning in calendar year 2012 and continuing in each calendar year thereafter, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply with an overall NO<sub>x</sub> annual emission rate of no more than 0.11 lb/million Btu.~~
- C) ~~SO<sub>2</sub> Emission Standards~~
- i) ~~Beginning in calendar year 2010 and continuing in each calendar year through 2013, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply with an overall SO<sub>2</sub> annual emission rate of 0.50 lb/million Btu.~~
- ii) ~~In calendar year 2014, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply with an overall SO<sub>2</sub> annual emission rate of 0.43 lb/million Btu.~~

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- iii) ~~Beginning in calendar year 2015 and continuing in calendar year 2016, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply with an overall SO<sub>2</sub> annual emission rate of 0.25 lb/million Btu.~~
  - iv) ~~Beginning in calendar year 2017 and continuing in each calendar year thereafter, for the EGUs in the Ameren MPS Group, the owner and operator of the EGUs must comply with an overall SO<sub>2</sub> annual emission rate of 0.23 lb/million Btu.~~
  - 4) ~~Compliance with the NO<sub>x</sub> and SO<sub>2</sub> emission standards must be demonstrated in accordance with Sections 225.310, 225.410, and 225.510. The owner or operator of EGUs must complete the demonstration of compliance before March 1 of the following year for annual standards and before November 1 for seasonal standards, by which date a compliance report must be submitted to the Agency.~~
- f) Transfer of EGUs in an MPS Group
- 1) If EGUs in an MPS Group are transferred to a different owner:
    - A) For the MPS Group from which EGUs are transferred: The combined emissions limitations for the MPS Group set forth in this Section, as applicable, must be adjusted by subtracting from those limitations the applicable allocation amounts set forth in Columns A, B, and C in subsection (f)(2) that are attributable to the transferred EGUs. The owner and operator of the MPS Group must comply with the adjusted emissions limitations.
    - B) For a new MPS Group consisting of the acquired EGUs:
      - i) The owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined annual NO<sub>x</sub> emissions in excess of the applicable annual NO<sub>x</sub> limitation from all EGUs. The applicable annual NO<sub>x</sub> limitation shall be the sum of the allocation amounts attributable to all EGUs in the MPS Group set forth in Column A of subsection (f)(2).

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- ii) From May 1 to September 30, the owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined NO<sub>x</sub> emissions in excess of the applicable seasonal NO<sub>x</sub> limitation from all EGUs. The applicable seasonal NO<sub>x</sub> limitation shall be the sum of the allocation amounts attributable to all EGUs in the MPS Group set forth in Column B of subsection (f)(2).
  - iii) The owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined annual SO<sub>2</sub> emissions in excess of the applicable annual SO<sub>2</sub> limitation from all EGUs. The applicable annual SO<sub>2</sub> limitation shall be the sum of the unit allocation amounts attributable to all EGUs in the MPS Group set forth in Column C of subsection (f)(2).
  - iv) Notwithstanding subsections (f)(1)(B)(i) through (iii), if all the EGUs set forth under subsection (a)(4)(A) are transferred to the same owner on the same date, the owner and operator of the EGUs in the new MPS Group must comply with the emission limitations under subsection (e); the allocation amounts in subsection (f)(2) shall not apply.
- C) The owner and operator of the EGUs as of the last day of the applicable compliance period must demonstrate compliance with the emission standards of this Section for the entire applicable compliance period. In determining compliance, the owner and operator must include in their calculations emissions from the EGUs for the entire applicable compliance period; the prior owner and operator shall not include in their calculations emissions from the EGUs for the applicable compliance period.
- D) Nothing in this subsection (f) shall be construed to relieve owners and operators of EGUs in an MPS Group from any of the other requirements set forth in this Section, including the mercury standards under subsection (d).
- 2) Allocation Amounts in the Event of Transfer of EGUs

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		<u>Column A.</u> <u>NO<sub>x</sub></u> <u>Allocation</u> <u>Amount</u> <u>(TPY) in the</u> <u>Event of</u> <u>Transfer</u>	<u>Column B.</u> <u>NO<sub>x</sub></u> <u>Allocation</u> <u>Amount (May</u> <u>1-Sept 30</u> <u>Tons) in the</u> <u>Event of</u> <u>Transfer</u>	<u>Column C.</u> <u>SO<sub>2</sub></u> <u>Allocation</u> <u>Amount</u> <u>(TPY) in the</u> <u>Event of</u> <u>Transfer</u>
A)	<u>Baldwin</u>	<u>6,000</u>	<u>2,700</u>	<u>6,000</u>
B)	<u>Havana</u>	<u>1,800</u>	<u>810</u>	<u>1,500</u>
C)	<u>Hennepin</u>	<u>1,500</u>	<u>675</u>	<u>6,000</u>
D)	<u>Coffeen</u>	<u>2,000</u>	<u>900</u>	<u>250</u>
E)	<u>Duck Creek</u>	<u>1,400</u>	<u>630</u>	<u>250</u>
F)	<u>Edwards</u>	<u>3,000</u>	<u>1,350</u>	<u>10,000</u>
G)	<u>Joppa</u>	<u>5,200</u>	<u>2,340</u>	<u>18,000</u>
H)	<u>Newton</u>	<u>2,700</u>	<u>1,215</u>	<u>10,000</u>

3) If EGUs in an MPS Group are transferred to a different owner:

A) The transferring owner must notify the Agency's Bureau of Air, Compliance Section, in writing within seven days after the date of transfer. The notification must include the following information:

- i) Name and address of the transferring owner and operator;
- ii) List of the EGUs transferred;
- iii) For the remaining EGUs in the MPS Group, calculations pursuant to subsection (f)(1)(A) demonstrating the adjusted combined annual NO<sub>x</sub> emissions limitation, the adjusted

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combined NO<sub>x</sub> emissions limitation from May 1 to September 30, and the adjusted combined annual SO<sub>2</sub> emissions limitation that are applicable to the MPS Group;

iv) Name and address of the new owner and operator; and

v) Date of transfer.

B) The acquiring owner must notify the Agency's Bureau of Air, Compliance Section, in writing within seven days after the date of transfer. The notification must include the following information:

i) Name and address of the acquiring owner and operator;

ii) Name and address of the transferring owner and operator;

iii) List of the EGUs acquired;

iv) Calculations pursuant to subsection (f)(1)(B) demonstrating the combined annual NO<sub>x</sub> emissions limitation, the combined NO<sub>x</sub> emissions limitation from May 1 to September 30, and the combined annual SO<sub>2</sub> emissions limitation that are applicable to the acquiring owner and operator's MPS Group; and

v) Date of transfer.

gf) Requirements for NO<sub>x</sub> and SO<sub>2</sub> Allowances.

- 1) The owner or operator of EGUs in an MPS Group must not sell or trade to any person or otherwise exchange with or give to any person NO<sub>x</sub> allowances allocated to the EGUs in the MPS Group for vintage years 2012 and beyond that would otherwise be available for sale, trade, or exchange as a result of actions taken to comply with the standards in subsection (e) ~~of this Section~~. Such allowances that are not retired for compliance must be surrendered to the Agency on an annual basis, beginning in calendar year 2013. This provision does not apply to the use, sale, exchange, gift, or trade of allowances among the EGUs in an MPS Group.

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- 2) The owners or operators of EGUs in an MPS Group must not sell or trade to any person or otherwise exchange with or give to any person SO<sub>2</sub> allowances allocated to the EGUs in the MPS Group for vintage years 2013 and beyond that would otherwise be available for sale or trade as a result of actions taken to comply with the standards in subsection (e) ~~of this Section~~. Such allowances that are not retired for compliance, or otherwise surrendered pursuant to a consent decree to which the State of Illinois is a party, must be surrendered to the Agency on an annual basis, beginning in calendar year 2014. This provision does not apply to the use, sale, exchange, gift, or trade of allowances among the EGUs in an MPS Group.
- 3) The provisions of this subsection (gf) do not restrict or inhibit the sale or trading of allowances that become available from one or more EGUs in a MPS Group as a result of holding allowances that represent over-compliance with the NO<sub>x</sub> or SO<sub>2</sub> standard in subsection (e) ~~of this Section~~, once such a standard becomes effective, whether such over-compliance results from control equipment, fuel changes, changes in the method of operation, unit shut downs, or other reasons.
- 4) For purposes of this subsection (gf), NO<sub>x</sub> and SO<sub>2</sub> allowances mean allowances necessary for compliance with Sections 225.310, 225.410, or 225.510, 40 CFR 72, or Subparts AA and AAAA of 40 CFR 96, or any future federal NO<sub>x</sub> or SO<sub>2</sub> emissions trading programs that modify or replace these programs. This Section does not prohibit the owner or operator of EGUs in an MPS Group from purchasing or otherwise obtaining allowances from other sources as allowed by law for purposes of complying with federal or state requirements, except as specifically set forth in this Section.
- 5) By March 1, 2010, and continuing each year thereafter, the owner or operator of EGUs in an MPS Group must submit a report to the Agency that demonstrates compliance with the requirements of this subsection (gf) for the previous calendar year, and which includes identification of any allowances that have been surrendered to the USEPA or to the Agency and any allowances that were sold, gifted, used, exchanged, or traded because they became available due to over-compliance. All allowances that are required to be surrendered must be surrendered by August 31, unless

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USEPA has not yet deducted the allowances from the previous year. A final report will be submitted to the Agency by August 31 of each year, verifying that the actions described in the initial report have taken place or, if such actions have not taken place, an explanation of all changes that have occurred and the reasons for such changes. If USEPA has not deducted the allowances from the previous year by August 31, the final report will be due, and all allowances required to be surrendered must be surrendered, within 30 days after such deduction occurs.

- g) ~~Notwithstanding 35 Ill. Adm. Code 201.146(hhh), until an EGU has complied with the applicable emission standards of subsections (d) and (e) of this Section for 12 months, the owner or operator of the EGU must obtain a construction permit for any new or modified air pollution control equipment that it proposes to construct for control of emissions of mercury, NO<sub>x</sub>, or SO<sub>2</sub>.~~
- h) Recordkeeping  
On and after January 1, 2018, the owner and operator of the EGUs in an MPS Group must keep and maintain all records necessary to demonstrate compliance with this Section, including but not limited to those listed in subsections (h)(1) and (h)(2). Copies of such records must be kept at the source and maintained for at least five years from the date the document is created and must be submitted by the owner and operator to the Agency within 30 days after receipt of a written request by the Agency.
- 1) All emissions monitoring information gathered in accordance with 40 CFR 75.
- 2) Copies of all reports and compliance certifications required under subsection (i) of this Section.
- i) Reporting
- 1) Prior to January 1, 2018, compliance with the NO<sub>x</sub> and SO<sub>2</sub> emission standards must be demonstrated in accordance with Sections 225.310, 225.410, and 225.510. The owner or operator of EGUs must complete the demonstration of compliance before March 1 of the following year for annual standards and before November 1 for seasonal standards, by which date a compliance report must be submitted to the Agency.

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- 2) On and after January 1, 2018, the owner and operator of the EGUs in an MPS Group must demonstrate compliance with the applicable requirements set forth in this subsection (i)(2).
- A) Beginning in 2019, the owner and operator of EGUs in an MPS Group must submit to the Agency's Bureau of Air, Compliance Section, a report demonstrating compliance with the annual emissions standards under subsections (e)(1)(C), (e)(2)(C), (e)(2)(D), and (f)(1), as applicable, and with the requirements under subsection (e)(1)(E)(i), as applicable, on or before March 1 of each year. The compliance report must include the following for the preceding calendar year:
- i) Actual emissions of each pollutant, expressed in tons, for each individual EGU in the MPS Group.
  - ii) Combined actual emissions of each pollutant, expressed in tons, for all EGUs in the MPS Group.
  - iii) Combined actual emissions of SO<sub>2</sub>, expressed in tons, for all Joppa EGUs.
  - iv) A statement indicating whether each existing SCR control system on Baldwin Units 1 and 2, Coffeen Units 1 and 2, Duck Creek Unit 1, E.D. Edwards Unit 3, and Havana Unit 9 was operated in accordance with good operating practices and at all times when the unit it serves was in operation, consistent with the technological limitations, manufacturers' specifications, and good engineering and maintenance practices for the SCR control system.
  - v) A statement indicating whether the EGUs in an MPS Group were operated in compliance with the requirements of this Section.
  - vi) A certification by a responsible official that states the following:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision

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in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- B) By November 1 of each year, the owner and operator of EGUs in an MPS Group must submit to the Agency's Bureau of Air, Compliance Section, a report demonstrating compliance with the seasonal emissions standards under subsections (e)(1)(D), (e)(1)(E)(ii), and (f)(1), as applicable. The compliance report must include the following for the preceding May 1 through September 30:
- i) Actual emissions of NO<sub>x</sub>, expressed in tons, for each individual EGU in the MPS Group.
  - ii) Combined actual emissions of NO<sub>x</sub>, expressed in tons, of all EGUs in the MPS Group.
  - iii) NO<sub>x</sub> average emission rate (lbs/mmBtu) for each of Baldwin Units 1 and 2; Coffeen Units 1 and 2; Duck Creek Unit 1; E.D. Edwards Unit 3; and Havana Unit 9, as applicable.
  - iv) Combined NO<sub>x</sub> average emission rate (lbs/mmBtu) for Baldwin Units 1 and 2; Coffeen Units 1 and 2; Duck Creek Unit 1; E.D. Edwards Unit 3; and Havana Unit 9, as applicable under subsection (e)(1)(E)(ii).
  - v) A statement indicating whether the EGUs in an MPS Group were operated in compliance with the requirements of this Section.
  - vi) A certification by a responsible official that states the following:

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I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- 3) For each EGU in an MPS Group, the owner or operator must notify the Agency of deviations from any of the requirements of this Section within 30 days after discovery of the deviations. At a minimum, these notifications must include a description of the deviations, a discussion of the possible cause of the deviations, and a description of any corrective actions and preventative measures taken.
- 4) Within 30 days after the beginning of a period during which the SCR control system on any of Baldwin Unit 1, Baldwin Unit 2, Coffeen Unit 1, Coffeen Unit 2, Duck Creek Unit 1, E.D. Edwards Unit 3, or Havana Unit 9 is not operated when the EGU it serves is in operation, the owner and operator must notify the Agency's Bureau of Air, Compliance Section, in writing. This notification must include, at a minimum, a description of why the SCR control system was not operated, the time frames during which the SCR control system was not operated, and the steps taken to minimize emissions during those time frames.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Requirements for Accounting, Budgeting, Financial Reporting, and Auditing
- 2) Code Citation: 23 Ill. Adm. Code 100
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
100.20	Amendment
100.TABLE C	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.27, 2-3.28 and 17-1
- 5) A Complete Description of the Subjects and Issues Involved: The U.S. Department of Education approved ISBE's state plan on August 30, 2017, to implement the Every Student Succeeds Act (ESSA). PA 100-465 created the evidence-based funding formula, which replaced General State Aid beginning August 31, 2017. These proposals are being made so that Local Education Agencies (LEAs) can properly account for revenue received as a result of the changes in state and federal law.

Specifically, the labels for account numbers 3001 (General State Aid) are being changed to include the evidence-based funding formula and the statutory citation to the School Code is being updated to match. The label for account number 3030 (GSA Fast Growth District Grants) is being changed to remove the reference to GSA and the statutory citation to the School Code is being updated to match. The entry for account number 3095 (GSA Transition Assistance) is being deleted. Reading improvement block grants that are obsolete are being removed.

Additionally, the Receipts/Revenue from Federal Sources section is being updated to reflect changes to the federal Elementary and Secondary Education Act (ESEA) as amended by ESSA. These changes include removing obsolete account number entries and changing references from No Child Left Behind to ESEA.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

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- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:
- Lindsay M. Bentivegna  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield IL 62777-0001
- 217/782-5270  
rules@isbe.net
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on the most recent Regulatory Agenda: This rulemaking was not anticipated at the time the Regulatory Agenda was filed.

The full text of the Proposed Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER c: FINANCEPART 100  
REQUIREMENTS FOR ACCOUNTING, BUDGETING,  
FINANCIAL REPORTING, AND AUDITING

Section	
100.10	Purpose and Applicability
100.20	Definitions
100.30	General Requirements
100.40	Types of Funds, Basis of Accounting, and Recognition of Transactions
100.50	Intra-Fund and Inter-Fund Transactions
100.60	Capital Assets and Depreciation
100.70	Revolving Funds
100.80	Student Activity Funds
100.90	Submission of Budgets and Deficit Reduction Plans
100.100	Annual Financial Reports
100.110	Annual Audit Requirements
100.120	Provisions Related to Debt
100.130	Requirements Specific to Funds Received Pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA), the Education Jobs Fund Program (Ed Jobs), the Race to the Top Program, and the Preschool Expansion Grant Program
100.TABLE A	Classification of Funds
100.TABLE B	Balance Sheet Accounts
100.TABLE C	Revenue Accounts
100.TABLE D	Expenditure Accounts
100.TABLE E	"Sources and Uses" Accounts; Miscellaneous
100.TABLE F	Expenditure Object Accounts

**AUTHORITY:** Implementing and authorized by Sections 2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1 of the School Code [105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1].

**SOURCE:** Old Part repealed at 10 Ill. Reg. 20507, effective December 2, 1986; new Part adopted at 31 Ill. Reg. 14874, effective October 19, 2007; amended at 32 Ill. Reg. 16439, effective September 24, 2008; emergency amendment at 33 Ill. Reg. 6313, effective April 17, 2009, for a maximum of 150 days; emergency expired September 13, 2009; emergency

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amendment at 33 Ill. Reg. 12589, effective August 26, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16728, effective November 23, 2009; emergency amendment at 34 Ill. Reg. 15489, effective September 22, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 2259, effective January 20, 2011; emergency amendment at 36 Ill. Reg. 5624, effective March 21, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 12623, effective July 18, 2012; emergency amendment at 39 Ill. Reg. 3146, effective February 11, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 9982, effective June 30, 2015; emergency amendment at 39 Ill. Reg. 12398, effective August 20, 2015, for a maximum of 150 days; amended at 40 Ill. Reg. 1931, effective January 6, 2016; expedited correction at 40 Ill. Reg. 12470, effective January 6, 2016; amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 100.20 Definitions**

"Basis of accounting" means either a cash basis or an accrual basis. For purposes of this Part, "cash basis" includes a modified cash basis, and "accrual basis" includes a modified accrual basis.

"Capital asset" means any parcel of land, building, improvement to land other than buildings, instrument, machine, apparatus, or set of articles that:

under normal conditions of use, including reasonable care and maintenance, can be expected to serve its principal purpose for longer than 12 months;

does not lose its identity through fabrication or incorporation into a different or more complex unit or substance;

is nonexpendable; that is, if it is damaged or some of its parts are worn out, it is more feasible to repair than replace;

retains its appearance and character through use; and

has a cost equal to or in excess of the capitalization threshold adopted by the school board.

"Capitalization threshold" means a dollar figure above which the cost of an item will be depreciated.

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"CFDA" means the Catalog of Federal Domestic Assistance available on the U.S. General Services Administration's website at <https://www.cfda.gov/>.

"Class I county school unit" means a county with fewer than 2,000,000 inhabitants.

"Class I school district" means any school district located within a Class I county school unit.

"Class II county school unit" means a county with 2,000,000 or more inhabitants.

"Class IIA school district" means any school district that is located within a Class II county school unit but is not subject to the jurisdiction of the trustees of schools of any township in which the district is located.

"Class IIB school district" means any school district that is located within a Class II county school unit and is subject to the jurisdiction of the trustees of schools of any township in which the district is located.

"Construction in progress" means construction work undertaken but not yet completed.

"Depreciable land" means land that is owned by a school board and used for school bus storage or maintenance and on which depreciation is claimed in accordance with the provisions of 23 Ill. Adm. Code 120 (Pupil Transportation Reimbursement).

"Depreciation allowance" means an estimate of the annual cost of using an item that is based on its acquisition cost divided by its assumed or estimated useful life.

"Dimension" means a classification that is used to describe various characteristics of accounts (e.g., expenditures, revenues, and sources and uses of funds).

"Equipment (3-year schedule)" means repairs or modifications to a pupil transportation vehicle, pupil monitoring equipment installed on school buses, including video cameras, and computer equipment used exclusively in the food service program.

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"Equipment (5-year schedule)" means vehicles used to transport students, driver education cars, vehicles or transportation equipment used exclusively in the food service program, and equipment necessary for the operation of a special educational facility.

"Equipment (10-year schedule)" means any capitalized equipment not included on the 3-year or 5-year schedule, including, but not limited to, other equipment used in the food service program, other equipment used in the driver education program, two-way transportation vehicle communication systems, pupil transportation equipment not installed in a vehicle, and service vehicles (such as tow trucks) used to service pupil transportation vehicles.

"ESEA" means the federal Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA (P.L. 114-328)) (23 USC 6301 et seq.).

"Expenditures" means transactions involving the disbursement of cash or the establishment of an obligation without creating an asset or canceling a liability.

"Generally accepted governmental auditing standards" means the "Standards for Audit of Government Organizations, Programs, Activities and Functions" (2011) published by the Comptroller General of the United States and accessible at <http://www.gao.gov/yellowbook>. No later amendments to or editions of these standards are incorporated by this Section.

"Non-capitalized equipment" means any item that would be a capital asset except for the fact that its cost is less than the capitalization threshold adopted by the school board.

"Non-depreciable land" means any land owned by a school board that does not qualify as depreciable under this Section.

"Operating Funds" means the Educational, Operations and Maintenance, Transportation, and Working Cash funds.

"Permanent buildings and building improvements" means buildings and additions, either existing or to be constructed, that are properly classified as real estate. Included are expenditures for installment or lease payments (exclusive of interest) under capitalized leases.

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"Petty cash fund" means a fund in which a sum of cash is set aside for the purpose of making change or making immediate payments when the amounts involved are so small that processing through the school board's regular procedure would be uneconomical.

"Revenues" means transactions involving the receipt of cash without creating a liability or canceling an asset.

"Revolving fund" means a fund out of which disbursements can be made quickly, to address emergencies and other timing issues that prevent a district from following its regular procedures for disbursement.

"School board" means the board of education or board of directors of a school district or the governing board or board of control of a cooperative or joint agreement.

"Student activity funds" means funds owned, operated, and managed by organizations, clubs, or associations within the student body under the guidance and direction of one or more staff members for educational, recreational, or cultural purposes. (Examples: homeroom, yearbook, class year, choral or band group, class projects, student clubs, student council, student-sponsored bookstore)

"Supplies" means items of a consumable nature not classified as capital assets or non-capitalized equipment.

"Temporary buildings and building improvements" means buildings and additions, either existing or to be constructed, that are properly classified as personal property and are primarily characterized by the absence of a permanent foundation. Included are expenditures for installment or lease payments (exclusive of interest) under capitalized leases.

"Unbalanced budget" means a budget in which the direct revenues of the operating funds are less than the direct expenditures from those funds by an amount that is greater than one-third of the funds' ending fund balances.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 100.TABLE C Revenue Accounts**

<b>Label</b>	<b>Account Number</b>	<b>Source; Notes</b>
<b>RECEIPTS/REVENUE FROM LOCAL SOURCES</b>	<b>1000</b>	
<b>AD VALOREM TAXES</b>	<b>1100</b>	
Educational Purposes Levy	1110	105 ILCS 5/17-2 and 17-3.
Operations and Maintenance Purposes Levy	1111	105 ILCS 5/17-5.
Bond and Interest Purposes Levy	1112	105 ILCS 5/17-9.
Transportation Purposes Levy	1113	105 ILCS 5/17-4.
Municipal Retirement Purposes Levy	1114	40 ILCS 5/7-171.
Working Cash Purposes Levy	1115	105 ILCS 5/20-3.
Public Building Commission Rent Levy	1116	50 ILCS 20/18.
Capital Improvement Purposes Levy	1117	105 ILCS 5/17-2 and 17-2.3.
Fire Prevention & Safety Purposes Levy	1118	105 ILCS 5/17-2.11.
Emergency Financial Assistance Levy	1119	105 ILCS 5/1B-8 and 1F-62.
Tort Immunity/ Judgment Purposes Levy	1120	745 ILCS 10/9-109.
Leasing Purposes Levy	1130	105 ILCS 5/17-2.2c.
Special Education Purposes levy	1140	105 ILCS 5/ 17-2.2a.
FICA and Medicare Only Levies	1150	Social Security taxes and the employer's share of Medicare Only payments; 40 ILCS 5/21-110, 110.1.
Area Vocational Construction Purposes Levy	1160	105 ILCS 5/17-2.4.
Summer School Purposes Levy	1170	105 ILCS 5/17-2 and 17-2.1.
Other Tax Levies	1190	Taxes received from other tax levies not specifically identified (describe and itemize).
<b>PAYMENTS IN LIEU OF TAXES</b>	<b>1200</b>	
Mobile Home Privilege Tax	1210	
Payments from Local Housing Authorities	1220	
Corporate Personal Property Replacement Taxes	1230	Amounts received to replace personal property tax revenues lost.
Other Payments in Lieu of Taxes	1290	

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<b>TUITION</b>	<b>1300</b>	
Total Regular Tuition	1310	Amounts received for pupils attending the district's regular schools; 105 ILCS 5/10-20.12a.
Regular Tuition from Pupils or Parents (In-State)	1311	
Regular Tuition from Other Districts (In-State)	1312	
Regular Tuition from Other Sources (In-State)	1313	
Regular Tuition from Other Sources (Out-of-State)	1314	
Total Summer School Tuition	1320	Amounts received for pupils attending summer school.
Summer School Tuition from Pupils or Parents (In-State)	1321	
Summer School Tuition from Other Districts (In-State)	1322	
Summer School Tuition from Other Sources (In-State)	1323	
Summer School Tuition from Other Sources (Out-of-State)	1324	
Total CTE Tuition	1330	Amounts received for pupils attending career and technical education programs.
CTE Tuition from Pupils or Parents (In-State)	1331	
CTE Tuition from Other Districts (In-State)	1332	
CTE Tuition from Other Sources (In-State)	1333	
CTE Tuition from Other Sources (Out-of-State)	1334	
Total Special Education Tuition	1340	Amounts received for pupils attending special education programs.
Special Education Tuition from Pupils or Parents (In-State)	1341	
Special Education Tuition from Other Districts (In-State)	1342	
Special Education Tuition from Other Sources (In-State)	1343	
Special Education Tuition from Other Sources (Out-of-State)	1344	

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Total Adult Tuition	1350	Amounts received for pupils attending adult/continuing education programs.
Adult Tuition from Pupils or Parents (In-State)	1351	
Adult Tuition from Other Districts (In-State)	1352	
Adult Tuition from Other Sources (In-State)	1353	
Adult Tuition from Other Sources (In-State)	1354	
<b>TRANSPORTATION FEES</b>	<b>1400</b>	
Total Regular Transportation Fees	1410	Amounts received for transporting pupils to and from school and school activities (regular school day).
Regular Transportation Fees from Pupils or Parents (In-State)	1411	
Regular Transportation Fees from Other Districts (In-State)	1412	
Regular Transportation Fees from Other Sources (In-State)	1413	
Regular Transportation Fees from Co-curricular Activities (In-State)	1415	
Regular Transportation Fees from Other Sources (Out-of-State)	1416	
Total Summer School Transportation Fees	1420	Amounts received for transporting pupils to and from summer school.
Summer School Transportation Fees from Pupils or Parents (In-State)	1421	
Summer School Transportation Fees from Other LEAs (In-State)	1422	
Summer School Transportation Fees from Other Sources (In-State)	1423	
Summer School Transportation Fees from Other Sources (Out-of-State)	1424	
Total CTE Transportation Fees	1430	Amounts received for transporting pupils to and from career and technical education classes.
CTE Transportation Fees from Pupils or Parents (In-State)	1431	
CTE Transportation Fees from Other Districts (In-State)	1432	
CTE Transportation Fees from Other Sources (In-State)	1433	

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CTE Transportation Fees from Other Sources (Out-of-State)	1434	
Total Special Education Transportation Fees	1440	Amounts received for transporting pupils to and from special education programs.
Special Education Transportation Fees from Pupils or Parents (In-State)	1441	
Special Education Transportation Fees from Other Districts (In-State)	1442	
Special Education Transportation Fees from Other Sources (In-State)	1443	
Special Education Transportation Fees from Other Sources (Out-of-State)	1444	
Total Adult Transportation Fees	1450	Amounts received for transporting pupils to and from adult/continuing education programs.
Adult Transportation Fees from Pupils or Parents (In-State)	1451	
Adult Transportation Fees from Other Districts (In-State)	1452	
Adult Transportation Fees from Other Sources (In-State)	1453	
Adult Transportation Fees from Other Sources (Out-of-State)	1454	
<b>EARNINGS ON INVESTMENTS</b>	<b>1500</b>	
Interest on Investments	1510	
Gain or Loss on Sale of Investments	1520	Gains or losses realized from the sale of bonds.
<b>FOOD SERVICE</b>	<b>1600</b>	
Sales to Pupils – Lunch	1611	
Sales to Pupils – Breakfast	1612	
Sales to Pupils – A la Carte	1613	
Sales to Pupils – Other	1614	
Sales to Adults	1620	Amounts received from adults for sale of food products and services.
Other Food Service	1690	Amounts received from local sources for other food service activities.
<b>DISTRICT/SCHOOL ACTIVITY INCOME</b>	<b>1700</b>	
Admissions – Athletic	1711	Amounts received from school-sponsored athletic events.

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Admissions – Other	1719	Amounts received from admissions to all other school-sponsored events except athletics (describe and itemize).
Fees	1720	Amounts received from pupils for fees such as towel fees, locker fees, and equipment fees (excludes transportation).
Book Store Sales	1730	
Other District/School Activity Revenue	1790	All other revenue from district or school activities not otherwise specified.
<b>TEXTBOOK INCOME</b>	<b>1800</b>	
Rentals – Regular Textbooks	1811	
Rentals – Summer School Textbooks	1812	
Rentals – Adult/Continuing Education Textbooks	1813	
Rentals – Other	1819	Describe and itemize.
Total Textbook Rentals	<del>1820</del> 1810	105 ILCS 5/10-22.25.
Sales – Regular Textbooks	1821	
Sales – Summer School Textbooks	1822	
Sales – Adult/Continuing Education Textbooks	1823	
Sales – Other	1829	
Total Textbook Sales	1820	105 ILCS 5/28-8.
Textbooks Other	1890	Textbook revenues not provided for elsewhere in the 1800 series of accounts.
<b>OTHER LOCAL REVENUES</b>	<b>1900</b>	
Rentals	1910	Amounts received for rental of school property, real or personal.
Contributions and Donations from Private Sources	1920	Amounts received from a philanthropic foundation, private individual, or private organization for which no repayment or special service to the contributor is expected.
Impact Fees from Municipal or County Governments	1930	Amounts received from a city, town, village, or county government from impact fees assessed in accordance with local ordinances.
Services Provided to Other Districts	1940	Amounts received for services other than tuition and transportation services (e.g., data processing, purchasing, maintenance, accounting, cleaning, consulting, guidance).
Refund of Prior Years' Expenditures	1950	A refund of an expenditure charged to a prior fiscal year's budget.

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Payments of Surplus Moneys from TIF Districts	1960	Amounts received from distributions from Tax Increment Financing districts.
Drivers' Education Fees	1970	105 ILCS 5/27-24.2.
Proceeds from Vendors' Contracts	1980	Proceeds received pursuant to contracts between the district and various vendors.
School Facility Occupation Tax Proceeds	1983	Amounts received from distributions of School Facility Occupation Tax proceeds.
Payment from Other Districts	1991	Amounts representing a district's share of special education or career and technical education building costs.
Sale of Vocational Projects	1992	Amounts representing gain from the sale of vocational projects.
Other Local Fees	1993	Amounts assessed or received from local sources for district programs not classified elsewhere (describe and itemize).
Other Local Revenues	1999	Amounts received from local sources not provided for elsewhere in the 1000 series of accounts.
<b>FLOW-THROUGH RECEIPTS/REVENUE FROM ONE DISTRICT TO ANOTHER DISTRICT</b>	<b>2000</b>	
FLOW-THROUGH REVENUE FROM STATE SOURCES	2100	State revenues that can be further subdivided to account for individual grants.
FLOW-THROUGH REVENUE FROM FEDERAL SOURCES	2200	Federal revenues that can be further subdivided to account for individual grants.
OTHER FLOW-THROUGH REVENUE	2300	Other revenues that can be further subdivided to account for individual grants (describe and itemize).
<b>RECEIPTS/REVENUE FROM STATE SOURCES</b>	<b>3000</b>	
<del>Evidence Based Funding Formula General State Aid Section 18-8.05 (GSA)</del>	3001	<del>105 ILCS 5/18-8.15.105 ILCS 5/18-8.05.</del>
<del>GSA—Supplemental Grant</del>	3002	<del>Amounts to supplement funding received under the general State aid formula [105 ILCS 5/18-8.05] or for losses incurred due to a reduction in or elimination of appropriations.</del>
Reorganization Incentives – Deficit Fund Balance	3005	105 ILCS 5/11E-135(c).
Reorganization Incentives – Attendance	3010	105 ILCS 5/11E-135(a).
Reorganization Incentives – Salary Difference	3015	105 ILCS 5/11E-135(b).

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Reorganization Incentives – Certified Salary	3020	105 ILCS 5/11E-135(d).
Reorganization Incentives – Feasibility Studies	3021	Amounts received pursuant to appropriations for this purpose.
<del>GSA</del> Fast Growth District Grants	3030	105 ILCS 5/18-8.10. <a href="#">105 ILCS 5/18-18.15</a>
Emergency Financial Assistance Grants	3050	105 ILCS 5/1B-8 and 1F-62.
Tax Equivalent Grants	3055	105 ILCS 5/18-4.4.
<del>GSA Transition Assistance</del>	<del>3095</del>	<del>Amounts received pursuant to appropriations for this purpose.</del>
Other Unrestricted Grants-In-Aid from State Sources	3099	Amounts received pursuant to other appropriations (describe and itemize).
Special Education – Private Facility Tuition	3100	105 ILCS 5/14-7.02.
Special Education – Extraordinary	3105	105 ILCS 5/14-7.02a.
Special Education – Personnel	3110	105 ILCS 5/14-13.01.
Special Education – Orphanage – Individual	3120	105 ILCS 5/14-7.03.
Special Education – Orphanage – Summer	3130	105 ILCS 5/14-7.03.
Special Education – Summer School	3145	105 ILCS 5/18-4.3.
Philip J. Rock Center and School	3155	105 ILCS 5/14-11.02.
Educational Materials Center	3156	105 ILCS 5/14-11.01.
Special Education – Other	3199	Amounts received pursuant to other appropriations (describe and itemize).
CTE Improvement (CTEI)	3220	105 ILCS 435.
CTE – WECEP	3225	105 ILCS 5/2-3.66a.
Agriculture Education	3235	105 ILCS 5/2-3.80.
CTE – Student Organizations	3270	105 ILCS 435.
CTE – Other	3299	Amounts received pursuant to other appropriations (describe and itemize).
Bilingual Education – Downstate – TPI and TBE	3305	105 ILCS 5/14C-12.
Bilingual Education – Downstate – Transitional Bilingual Education	3310	105 ILCS 5/14C-12.
Gifted Education	3350	105 ILCS 5/Art. 14A.
State Free Lunch and Breakfast	3360	105 ILCS 125/2.
School Breakfast Initiative	3365	105 ILCS 125/2.5.
Driver Education	3370	105 ILCS 5/27-24.2.

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Adult Education (from ICCB )	3410	Amounts received from the Community College Board; 105 ILCS 405.
Adult Education – Other	3499	Amounts received pursuant to other appropriations (describe and itemize).
Transportation – Regular/Vocational	3500	105 ILCS 5/29-5.
Transportation – Special Education	3510	105 ILCS 5/14-13.01(b).
Transportation – ROE Bus Driver Training	3520	105 ILCS 5/3-14.23.
Transportation – Other	3599	Amounts received pursuant to other appropriations (describe and itemize).
Learning Improvement – Change Grants	3610	105 ILCS 5/2-3.25, 2-3.63, and 2-3.64a-5.
National Board Certification	3651	105 ILCS 5/21B-65.
Administrators Academy	3655	105 ILCS 5/2-3.53.
Truants' Alternative and Optional Education	3695	105 ILCS 5/2-3.66.
Regional Safe Schools	3696	105 ILCS 5/13A-8.
Early Childhood – Block Grant	3705	105 ILCS 5/1C-2 and 2-3.71.
<del>Reading Improvement Block Grant</del>	<del>3715</del>	<del>105 ILCS 5/2-3.51.</del>
<del>Reading Improvement Block Grant – Reading Recovery</del>	<del>3720</del>	<del>Amounts received from the 2% set aside under 105 ILCS 5/2-3.51.</del>
<del>Continued Reading Improvement Block Grant</del>	<del>3725</del>	<del>105 ILCS 5/2-3.51a.</del>
<del>Continued Reading Improvement Block Grant</del>	<del>3726</del>	<del>Amounts received from the 2% set aside under 105 ILCS 5/2-3.51a.</del>
ROE/ISC Operations	3730	Amounts received pursuant to 105 ILCS 5/2-3.62, 3-14.23, and 18-6.
ROE Supervisory Expense	3745	Amounts received pursuant to 105 ILCS 5/18-6.
Chicago Teachers Academy for Math & Science (TAMS)	3765	Amounts received pursuant to an appropriation for TAMS.
Chicago General Education Block Grant	3766	105 ILCS 5/1D-1.
Chicago Educational Services Block Grant	3767	105 ILCS 5/1D-1.
School Safety and Educational Improvement Block Grant	3775	105 ILCS 5/2-3.51.5.
Technology – Learning Technology Centers	3780	105 ILCS 5/2-3.117.
Illinois Government Intern Program	3804	Funds distributed as a grant to Springfield School District 186 to support administration of this program.
State Charter Schools	3815	105 ILCS 5/Art. 27A.

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Extended Learning Opportunities (Summer Bridges)	3825	105 ILCS 5/10-20.9a.
Infrastructure Improvements – Planning/Construction	3920	105 ILCS 230/5-35.
School Infrastructure – Maintenance Projects	3925	105 ILCS 230/5-100.
Regular Orphanage Tuition (18-3)	3950	105 ILCS 5/18-3.
Tax Equivalent Grants	3955	105 ILCS 5/18-4.4.
After-School Programs – Mentoring & Student Support	3960	Amounts received pursuant to appropriation.
Advanced Placement Classes	3961	105 ILCS 302.
Arts Education	3962	105 ILCS 5/2-3.65a.
Grants to Local Governments, Community Organizations, Not-for-Profit Organizations, and Educational Facilities	3963	Amounts received pursuant to appropriations.
ISBE Special Purpose Trust Fund	3970	105 ILCS 5/2-3.127a.
Class Size Reduction Pilot Project	3981	105 ILCS 5/2-3.136.
Teacher Mentoring Pilot Project	3982	105 ILCS 5/21A-25.
The "Grow Your Own" Teacher Education Initiative	3983	110 ILCS 48.
Education of Homeless Children and Youth State Grant Program	3984	105 ILCS 45.
Children's Mental Health Partnership	3990	405 ILCS 49/15.
State "On-behalf" Payments	3998	Reserved for on-behalf payments by the State.
Emergency Financial Assistance Grant	3999	105 ILCS 5/1B-8.
Temporary Relocation Expense Grant	3999	105 ILCS 5/2-3.77.
Other Restricted Revenue from State Sources	3999	Amounts received pursuant to other appropriations (describe and itemize).
<b>RECEIPTS/REVENUE FROM FEDERAL SOURCES</b>	<b>4000</b>	
Federal Impact Aid	4001	ESEA Title VIII - Impact Aid (CFDA 84.041).
Other Unrestricted Grants-In-Aid Received Directly from the Federal Government	4009	Amounts received pursuant to other unrestricted appropriations; describe and itemize.
Total Unrestricted Grants Received Directly from the Federal Government	4010	

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Head Start	4045	Community Opportunities, Accountability, Training, and Educational Services Act of 1998, Title I (CFDA 93.600).
Construction (Impact Aid)	4050	ESEA, Title VIII (Impact Aid – Facilities Maintenance) (CFDA 84.040).
Magnet	4060	ESEA, Title V, Part C (Magnet Schools Assistance) (CFDA 84.165).
Other Restricted Grants-In-Aid Received Directly from the Federal Government	4090	Amounts received pursuant to other restricted appropriations; describe and itemize.
Total Restricted Grants Received Directly from the Federal Government	4095	
TOTAL GRANTS RECEIVED DIRECTLY FROM THE FEDERAL GOVERNMENT	4099	Amounts received pursuant to other appropriations.
Title V – <del>Flexibility and Accountability</del> <u>Innovation and Flexibility Formula</u>	4100	<del>ESEANCLB</del> , Title V, Part A – <u>Funding Transferability for State and Local Education Agencies State Grants For Innovative Programs (CFDA 84.298)</u> .
Title V – SEA Projects	4105	<del>ESEANCLB</del> , Title V, Part A – <u>Funding Transferability for State and Local Education Agencies State Grants For Innovative Programs (CFDA 84.298)</u> .
Title V – Rural and Low-Income Schools (REI)	4107	<del>ESEANCLB</del> , Title <del>VVI</del> , Part B – Rural Education (CFDA 84.358).
Title V – Other	4199	Amounts received pursuant to other appropriations (describe and itemize).
Breakfast Start-up	4200	Child Nutrition Act – School Breakfast Program for Start-Up (CFDA 10.553).
National School Lunch Program	4210	Child Nutrition Act – National School Lunch Program (CFDA 10.555).
Special Milk Program	4215	Child Nutrition Act – Special Milk Program for Children (CFDA 10.556).
School Breakfast Program	4220	Child Nutrition Act – School Breakfast Program (CFDA 10.553).
Summer Food Service Admin/Program	4225	Child Nutrition Act – Summer Food Service Program for Children (CFDA 10.559).
Child Care Commodity/SFS 13-Adult Day Care	4226	Child Nutrition Act – Child Care and Adult Food Service Program (CFDA 10.558).
SAE Nutrition Ed. Loan/TNT	4227	Child Nutrition Act of 1966 (42 USC 1771 et seq.) – (CFDA 10.574).

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Fresh Fruit and Vegetables	4240	Child Nutrition – Cash Payments.
Child Nutrition Commodity/Salvage	4250	Child Nutrition Act of 1966 (CFDA 10.550).
Cash in Lieu of Commodities	4255	Amounts received in lieu of commodities in the food service program.
Food Service – Other	4299	Amounts received pursuant to other appropriations from the U.S. Department of Agriculture for nutrition programs (describe and itemize).
Title I – Low Income	4300	<del>ESEA</del> <del>No Child Left Behind Act of 2001 (NCLB; 20 USC 6301 et seq.)</del> , Title I, Part A – Improving Academic Achievement of the Disadvantaged (CFDA 84.010).
Title I – Low Income – Neglected, <del>Private</del>	4305	<del>ESEA</del> <del>NCLB</del> , Title I, Part D – <u>Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent or At-Risk – State program</u> <del>Neglected and Delinquent</del> (CFDA 84.013).
Title I – Low Income – Delinquent, <del>LEA</del> <del>Private</del>	4306	<del>ESEA</del> <del>NCLB</del> , Title I, Part D – <u>Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent or At-Risk</u> <del>Neglected and Delinquent</del> (CFDA 84.013).
Title I – Neglected and Delinquent Juvenile and Adult Corrections (formerly only juvenile)	4315	<del>ESEA</del> <del>NCLB</del> , Title I, Part D – <u>Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent or At-Risk</u> <del>Neglected and Delinquent</del> (CFDA 84.013).
Title I – <u>Improving the Academic Achievement of the Disadvantaged</u> <del>School Improvement and Accountability</del>	4331	<del>ESEA</del> <del>NCLB</del> , Title I, Part A (CFDA 84.010).
Title I – <u>Comprehensive School Reform</u>	4332	<del>NCLB</del> , Title I, Part F – <u>Comprehensive School Reform</u> (CFDA 84.332).
Title I – <u>Reading First</u>	4334	<del>NCLB</del> , Title I, Part B 1 – <u>Reading First</u> (CFDA 84.357).
Title I – <u>Even Start</u>	4335	<del>NCLB</del> , Title I, Part B 3 – <u>Even Start</u> (CFDA 84.213).
Title I – <u>Reading First SEA Funds</u>	4337	<del>NCLB</del> , Title I, Part B 1 – <u>Reading First SEA Funds</u> (CFDA 84.357).
Title I – School Improvement <del>Grant</del>	4339	<del>ESEA</del> <del>NCLB</del> , Title I, Part A, section 1003 <del>g</del> (CFDA 84.357).
Title I – Migrant Education	4340	<del>ESEA</del> <del>NCLB</del> , Title I, Part C – Education of Migrant Children (CFDA 84.011).
Title I – Other	4399	Amounts received pursuant to other appropriations under Title I of <del>ESEA</del> <del>NCLB</del> (describe and itemize).

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Title IV – <u>Student Support and Academic Enrichment Grants</u> <del>Safe and Drug Free Schools – Formula</del>	4400	<del>ESEANCLB</del> , Title IV, Part A – <u>Student Support and Academic Enrichment Grants</u> <del>Safe and Drug Free Schools (CFDA 84.186).</del>
Title IV – <u>Student Support and Academic Enrichment Grants</u> <del>Safe &amp; Drug Free Schools – State-Level Program</del>	4415	<del>ESEANCLB</del> , Title IV, Part A – <u>Student Support and Academic Enrichment Grants</u> Safe and Drug Free Schools ( <del>CFDA 84.186</del> ).
Title IV – 21 <sup>st</sup> Century	4421	<del>ESEANCLB</del> , Title IV, Part B – 21 <sup>st</sup> Century Community Learning Centers (CFDA 84.287).
Title IV – Other (Describe & Itemize)	4499	Amounts received pursuant to other appropriations under Title IV of <del>ESEANCLB</del> (describe and itemize).
Federal Special Education Preschool Flow-Through	4600	IDEA, Part B – Preschool (CFDA 84.173).
Federal Special Education Preschool Discretionary	4605	IDEA, Part B – Preschool (CFDA 84.173).
Federal Special Education – IDEA Flow-Through/Low Incident	4620	IDEA, Part B (CFDA 84.027).
Federal Special Education – IDEA Room and Board	4625	IDEA, Part B (CFDA 84.027).
Federal Special Education – IDEA Discretionary	4630	IDEA, Part B (CFDA 84.027).
Federal Special Education – IDEA – Part D – Improvement	4631	IDEA, Part D – State Program Improvement Grants for Children with Disabilities (CFDA 84.323).
Federal Special Education – IDEA Title VI C – Deaf/Blind	4635	IDEA, Part D – Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities (CFDA 84.326).
Federal Special Education – IDEA – Other	4699	Amounts received pursuant to other appropriations under IDEA (describe and itemize).
CTE – Perkins – State Leadership	4720	Carl D. Perkins Career and Technical Education Act of 2006 – State Leadership (CFDA 84.048A).
CTE – Perkins – DHS Ed	4740	Carl D. Perkins Career and Technical Education Act of 2006 – Corrections or Institutions (CFDA 84.048A).
CTE – Perkins – Secondary	4745	Carl D. Perkins Career and Technical Education Act of 2006 – Secondary (CFDA 84.048A).
CTE – Perkins Title II – Tech Prep	4770	Carl D. Perkins Career and Technical Education Act of 2006 – Title II - Tech Prep (CFDA 84.243A).
CTE – Other	4799	Amounts received pursuant to other appropriations from federal sources (describe and itemize).
Federal – Adult Education	4810	Adult Education State Grant Program (CFDA 84.002).

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ARRA General State Aid – Education Stabilization	4850	Amounts received pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA); see Section 100.130 of this Part.
ARRA Title I – Low Income	4851	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA Title I – Neglected, Private	4852	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA Title I – Delinquent, Private	4853	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA Title I – School Improvement (Part A)	4854	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA Title I – School Improvement (section 1003g)	4855	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA IDEA – Part B – Preschool	4856	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA IDEA – Part B – Flow-Through	4857	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Other ARRA Fund - XII	4860	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
ARRA Title IID – Technology – Competitive	4861	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA McKinney-Vento Homeless Education	4862	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA Child Nutrition Equipment Assistance	4863	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Impact Aid Formula Grants	4864	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Impact Aid Competitive Grants	4865	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Qualified Zone Academy Bond Tax Credits	4866	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Qualified School Construction Bond Credits	4867	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Build America Bond Tax Credits	4868	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Build America Bond Interest Reimbursement	4869	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.

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ARRA General State Aid – Other Government Services Stabilization	4870	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Other ARRA Funds – II	4871	Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – III	4872	Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – IV	4873	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – V	4874	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
ARRA Early Childhood	4875	Paid with Government Services State Fiscal Stabilization Fund ARRA funds; see Section 100.130 of this Part.
Other ARRA Funds – VII	4876	Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – VIII	4877	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – IX	4878	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.

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Other ARRA Funds – X	4879	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
Education Jobs Fund Program	4880	Available for recording sources of federal funds received pursuant to the Education Jobs Fund Program; see Section 100.130 of this Part.
Race to the Top Program	4901	Available for recording sources of federal funds received pursuant to the Race to the Top Program; see Section 100.130 of this Part.
Race to the Top – Preschool Expansion Grant	4902	Available for recording sources of federal funds received pursuant to the Race to the Top Preschool Expansion Grant Program; see Section 100.130 of this Part.
<del>Advanced Placement Fee/International Baccalaureate</del>	<del>4904</del>	<del>ESEA, Title I, Part G – Advanced Placement Program (CFDA 84.330).</del>
<del>English Language Instruction for English Learners and Immigrant Students</del> <del>Emergency Immigrant Assistance</del>	4905	<del>ESEANCLB, Title III – English Language Instruction for English Learners and Immigrant Students</del> <del>English Language Acquisition Grants – Immigrant Assistance Grants (CFDA 84.365).</del>
Title III – English Language Acquisition	4909	<del>ESEANCLB, Title III, Part A – English Language Acquisition Grants (CFDA 84.365).</del>
<del>Learn &amp; Serve America</del>	<del>4910</del>	<del>National and Community Service Act of 1990 – Learn &amp; Serve America (CFDA 94.004).</del>
Refugee Children School Impact Grants	4915	Refugee Education Assistance Act of 1980, Refugee and Entrant Assistance Discretionary Grants (CFDA 93.576).
McKinney Education for Homeless Children	4920	<del>ESEA, Title VII, Subpart B of the McKinney-Vento Homeless Assistance Act: Education for Homeless Children and Youths Program</del> <del>NCLB, Title X – Education for Homeless Children (CFDA 84.196).</del>
Title II – Teacher Quality	4932	<del>ESEANCLB, Title II, Part A, Supporting Effective Instruction</del> <del>and ESEA, Title II, Part C, Subpart 1, Chapter B (CFDA 84.350).</del>
Title II – Teacher Quality	4935	ESEA, Title II, Part A – <u>Supporting Effective Instruction – Improving Teacher Quality</u> -State Grants (CFDA 84.367).
<del>Title II – Math and Science Initiative</del>	<del>4936</del>	<del>ESEA, Title II, Part B – Math and Science Partnerships (CFDA 84.366).</del>

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Federal Charter Schools	4960	<del>ESEANCLB</del> , Title <del>IVV</del> , Part <del>CB</del> – <del>Expanding Opportunity Through Quality Charter Schools</del> <del>Public Charter Schools</del> .
<del>Title II – Technology – Enhancing Education Formula Grants</del>	4971	<del>ESEA, Title II, Part D, Subparts 1 and 2, as amended – Education Technology State Grants (CFDA 84.318).</del>
<del>Title II – Technology – Enhancing Education Competitive Grants</del>	4972	<del>ESEA, Title II, Part D, Subparts 1 and 2 – Education Technology State Grants (CFDA 84.318).</del>
Safe Routes to School	4980	Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act (P.L. 109-59).
<u>State Assessment Grants</u>	<u>4981</u>	<u>ESEA State Assessment Grants Title I, Part B (CFDA 84.368).</u>
<u>Grant for State Assessments and Related Activities</u>	<u>4982</u>	<u>ESSA Grants for State Assessments and Related Activities, Title VI, Part A, Subpart I (CFDA 84.369).</u>
Medicaid Matching Funds – Administrative Outreach	4991	Social Security Act, Title XIX – Medicaid Matching – Administrative Outreach (CFDA 93.778).
Medicaid Matching Funds – Fee-for-Service Program	4992	Social Security Act, Title XIX – Medicaid Matching – Fee for Service Programs (CFDA 93.778).
Hurricane Emergency Relief	4995	Hurricane Emergency Relief Act.
Other Restricted Grants Received from Federal Government through State	4998	Amounts received pursuant to other federal appropriations (describe and itemize).

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Student Records
- 2) Code Citation: 23 Ill. Adm. Code 375
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
375.10	Amendment
375.30	Amendment
375.80	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.64a-5 and 105 ILCS 10
- 5) A Complete Description of the Subjects and Issues Involved: PA 100-222 removed the requirement that scores on the State assessment, including a college and career ready determination (e.g., grade 11), be on a student's transcript. It is necessary to update the rules to reflect this change.

The definition of "student permanent record" is being amended to reflect that change. In addition, within the definition of "student permanent record" the definition of "academic transcript" is being amended to allow scores on college entrance exams to be added by the written request of the student, his or her parent, or the person who enrolled the student. School districts that choose to allow this addition must have a written policy that is communicated to students and parents. By allowing the scores on college entrance exams on the student transcript low-income students will have the opportunity to use the State assessment as their college entrance exam score so as not to incur an additional cost. This addition is being made to information that must be included in the notification of student records.

Additionally, the following changes are being made in response to requests from the field: (a) Class rank is being removed from the academic transcript. Many schools have stopped including it and class rank can be calculated inconsistently among school districts; and (b) Gender designations are being removed from the list of required directory information. The administrative regulations implementing the federal Family Educational Rights and Privacy Act of 1974 (FERPA) states that directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The definition goes on to say directory information includes, but is not limited to, items such as the student's name, address, telephone listing, email address, photograph, and date and place of birth. While gender is not specifically included or excluded, removing the designation from required directory information will more closely align our administrative rules to FERPA.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking:  
Written comments may be submitted within 45 days of the publication of this Notice to:  
  
Lindsay M. Bentivegna  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield IL 62777-0001  
  
217/782-5270  
rules@isbe.net
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on the most recent Regulatory Agenda: This rulemaking was not anticipated at the time the Regulatory Agenda was filed.

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NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

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## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER k: SCHOOL RECORDSPART 375  
STUDENT RECORDS

## Section

375.10	Definitions
375.20	Rights of Students
375.30	Notification
375.40	Maintenance and Destruction of School Student Records
375.50	Cost for Copies of Records
375.60	Emergency Release of Information
375.70	Release of Information
375.75	Public and Nonpublic Schools: Transmission of Records for Transfer Students
375.80	Directory Information
375.90	Challenge Procedures
375.100	Implementation
375.110	Enforcement

**AUTHORITY:** Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Sections 2-3.13a and 2-3.64a-5 of the School Code [105 ILCS 5/2-3.13a and 2-3.64a-5].

**SOURCE:** Emergency rule adopted March 24, 1976; codified at 7 Ill. Reg. 12864; amended at 10 Ill. Reg. 12602, effective July 9, 1986; amended at 12 Ill. Reg. 4818, effective February 25, 1988; amended at 20 Ill. Reg. 15304, effective November 18, 1996; amended at 23 Ill. Reg. 13843, effective November 8, 1999; amended at 26 Ill. Reg. 16202, effective October 21, 2002; amended at 29 Ill. Reg. 5467, effective March 29, 2005; amended at 32 Ill. Reg. 7143, effective April 17, 2008; amended at 32 Ill. Reg. 16475, effective September 29, 2008; amended at 36 Ill. Reg. 2220, effective January 24, 2012; amended at 37 Ill. Reg. 9479, effective June 19, 2013; amended at 39 Ill. Reg. 2449, effective February 2, 2015; amended at 40 Ill. Reg. 2287, effective January 13, 2016; amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 375.10 Definitions**

"Accident Report" means documentation of any reportable student accident that

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results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or whether the school nurse has referred the student for a medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth (as defined by 42 USC 11434a) has followed through on that request.

"Act" means the Illinois School Student Records Act [105 ILCS 10].

"Health Record" means medical documentation necessary for enrollment and proof of having certain examinations, as may be required under Section 27-8.1 of the School Code ~~[105 ILCS 5/27-8.1]~~.

"Health-related Information" means current documentation of a student's health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] or other privacy laws, which includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs (e.g., glucose readings), long-term medications administered during school hours, documentation regarding a student athlete's and his or her parents' acknowledgement of the district's concussion policy adopted pursuant to Sections 10-20.53 and 34-18.45 of the School Code ~~[105 ILCS 5/10-20.53 and 34-18.45]~~, and other health-related information that is relevant to school participation (e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports).

"Official Records Custodian" means the individual appointed in each school in accordance with Section 4 of the Act ~~[105 ILCS 10/4]~~ who has responsibility for the *maintenance, care and security of all school student records, whether or not the records are in his or her personal custody or control.*

"School Code" means 105 ILCS 5.

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"School Student Record" shall have the meaning set forth in Section 2(d) of the Act ~~[105 ILCS 10/2(d)]~~, except that school student records shall not include:

Video or other electronic recordings created and maintained by law enforcement professionals working in the school or for security or safety reasons or purposes, provided the information was created at least in part for law enforcement or security or safety reasons or purposes;

Electronic recordings made on school buses, as defined in Section 14-3 of the Criminal Code of 1961 [720 ILCS 5/14-3]; and

Any information, either written or oral, received pursuant to Section 22-20 of the School Code ~~[105 ILCS 5/22-20]~~ and Sections 1-7 and 5-905 of the Juvenile Court Act of 1987 [705 ILCS 405/1-7 and 5-905].

The content of a video or other electronic recording may become part of a student's school student record to the extent school officials use and maintain this content for a particular reason (e.g., disciplinary action, compliance with a student's Individualized Education Program) regarding that specific student. Video or other electronic recordings that become part of a student's school record shall not be a public record and shall be released only in conformance with Section 6(a) of the Act and the federal Family Educational Rights and Privacy Act (20 USC 1232g).

"Special Education Records" means school records that relate to identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities under the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and Article 14 of the School Code ~~[105 ILCS 5/Art. 14]~~, to include the report of the multidisciplinary staffing conference on which placement or nonplacement was based, and all records and audio recordings in any format relating to special education placement hearings and appeals.

"Student Permanent Record" means and shall consist of the following, as limited by Section 2(d) of the Act:

Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents;

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Evidence required under Section (5)(b)(1) of the Missing Children's Records Act [325 ILCS 50/5(b)(1)];

Academic transcript, including:

grades, ~~class rank~~, graduation date and grade level achieved;

as applicable and as determined by district policy, the right to request the inclusion on the student's academic transcript of one or more scores received on college entrance examinations through the submission of a written request by a student, parent or the person who enrolled the student, stating the name of each college entrance examination that is the subject of the request and the dates of the scores that are to be included~~scores on college entrance examinations, except that a parent may request, in writing, the removal from the academic transcript of any score received on college entrance examinations (also see Section 375.30(d));~~

the unique student identifier assigned and used by the Student Information System established pursuant to 23 Ill. Adm. Code 1.75 (Student Information System);

as applicable, designation of an Advanced Placement computer science course as a mathematics-based, quantitative course for purposes of meeting State graduation requirements set forth in Section 27-22 of the School Code ~~[105 ILCS 5/27-22]~~;

as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with Section 2-3.157 of the School Code ~~[105 ILCS 5/2-3.157]~~ and 23 Ill. Adm. Code 1.442 (State Seal of Biliteracy); ~~and~~

as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy, awarded in accordance with 23 Ill. Adm. Code 1.442 (State Seal of Biliteracy); and

as applicable, designation of the student's achievement of the Global Scholar Certification, awarded in accordance Section 2-

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[3.167 of the School Code and 23 Ill. Adm. Code 1.443 \(Global Scholar Certificate\);](#)

Attendance record;

Health record;

Record of release of permanent record information in accordance with Section 6(c) of the Act ~~[105 ILCS 10/6(e)]~~;

Scores received on all State assessment tests administered at the high school level (i.e., grades 9 through 12) (see 105 ILCS 5/2-3.64a-5); and

If not maintained in the temporary record, may also consist of:

Honors and awards received; and

Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

No other information shall be placed in the student permanent record.

"Student Temporary Record" means all information not required to be in the student permanent record and shall consist of the following, as limited by Section 2(d) of the Act:

A record of release of temporary record information in accordance with Section 6(c) of the Act ~~[105 ILCS 10/6(e)]~~;

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64a-5);

The completed home language survey form (see 23 Ill. Adm. Code 228.15 (Identification of Eligible Students));

*Information regarding serious disciplinary infractions (i.e., those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension or the imposition of punishment or sanction;*

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*Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act [325 ILCS 5/8.6], as required by Section 2(f) of the Act (~~105 ILCS 10/2(f)~~);*

Any biometric information that is collected in accordance with Section 10-20.40 or 34-18.34 of the School Code ~~[105 ILCS 5/10-20.40 or 34-18.34];~~

Health-related information;

Accident Reports; and

May also consist of:

Family background information;

Intelligence test scores, group and individual;

Aptitude test scores;

Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation or interviews;

Elementary and secondary achievement level test results;

Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations;

Honors and awards received;

Teacher anecdotal records;

Other disciplinary information;

Special education records;

Records associated with plans developed under section 504 of the [federal Rehabilitation Act of 1973 \(29 USC 701 et seq.\)](#); and

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Any verified reports or information from non-educational persons, agencies or organizations of clear relevance to the education of the student.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 375.30 Notification**

- a) Upon the initial enrollment or transfer of a student to the school, the school shall notify the student and the student's parents of their rights under the Act as specified in subsection (d) ~~of this Section~~ and of their rights with respect to the collection, distribution, and retention of biometric information under Section 10-20.40 or 34-18.34 of the School Code, if the school collects student biometric information.
- b) All notification under this Part to parents of children classified under Section 14C-3 of the School Code ~~[105 ILCS 5/14C-3]~~ to be of limited English-speaking ability shall be in English and in the language of the child's primary speaking ability. All notifications shall be in a manner that is accessible to parents with disabilities.
- c) This notification may be delivered by any means likely to reach the parents, including direct mail or email, parent-teacher conferences, delivery by the student to the parent, or incorporation in a "parent-student" handbook or other informational brochure for students and parents disseminated by the school.
- d) The notification shall consist of:
  - 1) The types of information contained in the permanent and temporary records;
  - 2) The right to inspect and copy permanent and temporary records, the limitations on the right of access established under Sections 10-22.3c and 34-18.6a of the School Code ~~[105 ILCS 5/10-22.3c and 34-18.6a]~~ and Section 5(a) of the Act, and the cost of copying these records;
  - 3) The right to control access and release of school student records, except to the extent the records are authorized by law to be released without consent, and the right to request a copy of information released;

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- 4) The rights and procedures for challenging the contents of the school student record;
- 5) As applicable and as determined by district policy, the ~~The~~ right to request ~~the inclusion on~~ ~~removal from~~ the student's academic transcript of one or more scores received on college entrance examinations through the submission of a written request stating the name of each college entrance examination that is the subject of the request and the dates of the scores that are to be ~~included~~ ~~removed~~;
- 6) The persons, agencies or organizations having access to student records without parental consent;
- 7) The right to copy any school student record or information contained therein proposed to be destroyed or deleted and the school's schedule for reviewing and destroying this information;
- 8) The categories of information the school has designated as "directory information" and the right of the parents to prohibit the release of this information;
- 9) A statement informing the parents that no person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment, credit or insurance the securing by any individual of any information from a student's temporary record that the individual may obtain through the exercise of any right secured under the Act or this Part;
- 10) The right of the parents, as limited by Section 7 of the Act, to inspect and challenge the information contained in a school student record prior to transfer of the record to another school district, in the event of the transfer of the student to that district; and
- 11) Any policies of the school relating to school student records that are not included in the Act or this Part, including any policy related to the collection of biometric information as permitted under Section 10-20.40 or 34-18.34 of the School Code.

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- e) *The principal of each school or the person with like responsibilities or his or her designate shall take all action necessary to assure that school personnel are informed of the provisions of the Act and this Part, either orally or in writing (105 ILCS 10/3).*

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 375.80 Directory Information**

- a) Information that may be designated as directory information shall be limited to:
- 1) Identifying information: student's name, address, ~~gender~~, grade level, and birth date and place, and parents' names, mailing addresses, electronic mail addresses, and telephone numbers;
  - 2) Photographs, videos, or digital images used for informational or news-related purposes (whether by a media outlet or by the school) of a student participating in school or school-sponsored activities, organizations, and athletics that have appeared in school publications, such as yearbooks, newspapers, or sporting or fine arts programs, except that:
    - A) No photograph highlighting individual faces shall be used for commercial purposes, including solicitation, advertising, promotion or fundraising without the prior, specific, dated and written consent of the parent or student, as applicable (see 765 ILCS 1075/30); and
    - B) No image on a school security video recording shall be designated as directory information;
  - 3) Academic awards, degrees, and honors;
  - 4) Information in relation to school-sponsored activities, organizations, and athletics;
  - 5) Major field of study; and
  - 6) Period of attendance in the school.

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- b) No student Social Security Number (SSN) or student identification (ID) or unique student identifier can be designated as directory information.
- c) "Directory Information" may be released to the general public, unless a parent requests that any or all the directory information not be released on his/her child. School districts shall notify parents annually of the information that is considered to be "directory information" and of the procedures to be used by parents to request that specific information not be released.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Voluntary Registration and Recognition of Nonpublic Schools
- 2) Code Citation: 23 Ill. Adm. Code 425
- 3) Section Number: 425.100                      Proposed Action:  
New Section
- 4) Statutory Authority: 30 ILCS 40/5
- 5) A Complete Description of the Subjects and Issues Involved: PA 100-465 created the Invest in Kids Act. This Act allows scholarship granting organizations, as determined by the Illinois Department of Revenue, to provide scholarships to students to attend qualified nonpublic schools. Scholarships awarded cannot exceed the lesser of the Statewide average operational per pupil cost among public schools or the necessary costs and fees for attendance at the qualified nonpublic schools.

The definition of "necessary costs and fees" authorizes SBE to prescribe detailed provisions in rule for the computation of those necessary costs and fees. This rulemaking will clarify that necessary costs and fees include the sum total of the following:

- The customary charge for instruction and use of facilities (i.e., tuition)
- All charges required for textbooks, instructional materials, and technology
- Charges for field trips, if required or if they are a customary part of a class or extracurricular activity
- Charges for supplies for a particular class
- Graduation fees
- School uniforms
- Any other fee that the qualified school charges as a prerequisite for participation in curricular or extracurricular activities

Additionally, this rulemaking will clarify the following items do not constitute a necessary cost and fee:

- Fees payable only once
- Contingent deposits that are refundable in whole or in part
- Library fines and other charges made for the loss, misuse, or destruction of school property
- Charges for the purchase of class rings, yearbooks, pictures, diploma covers, or other similar items

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- Charges for optional travel undertaken by a school club or group of students outside school hours
- Charges for admission to school dances, athletic events, or other social events
- Optional community service programs for which fees are charged
- Graduation fees
- Any other optional fee that the qualified nonpublic school charges for participation in curricular or extracurricular programs

The Section that is being added will be automatically repealed January 1, 2024, the date the Invest in Kids Act is repealed.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? Yes; January 1, 2024
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking:  
Written comments may be submitted within 45 days of the publication of this Notice to:

Lindsay M. Bentivegna  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield IL 62777-0001

217/782-5270  
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on the most recent Regulatory Agenda: The rulemaking was not anticipated at the time the Regulatory Agenda was filed.

The full text of the Proposed Amendment begins on the next page:

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## NOTICE OF PROPOSED AMENDMENT

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER 1: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

## PART 425

## VOLUNTARY REGISTRATION AND RECOGNITION OF NONPUBLIC SCHOOLS

## Section

425.10	Purpose and Applicability
425.20	Requirements for Registration
425.30	Requirements for Recognition
425.40	Process for Initial Recognition
425.50	Renewal of Recognition
425.60	Changes in Recognition Status
425.70	Appeals
425.80	Block Grant Funds
425.90	Textbook Block Grant Program
<u>425.100</u>	<u>Necessary Costs and Fees</u>

AUTHORITY: Implementing Sections 2-3.25o, 3.51.5, 2-3.155 and authorized by Sections 2-3.6 and 2-3.51.5 of the School Code [105 ILCS 5/2-3.25o, 2-3.51.5, 2-3.155 and 2-3.6] and Section 5 of the Invest in Kids Act [30 ILCS 40/5].

SOURCE: Adopted at 33 Ill. Reg. 17123, effective December 7, 2009; amended at 36 Ill. Reg. 2241, effective January 26, 2012; amended at 37 Ill. Reg. 9492, effective June 19, 2013; amended at 39 Ill. Reg. 2219, effective January 22, 2015; amended at 40 Ill. Reg. 5027, effective March 2, 2016; amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 425.100 Necessary Costs and Fees**

This Section provides implementation for the computation of necessary costs and fees as defined in Section 5 of the Invest in Kids Act (the Act) [35 ILCS 40].

- a) For purposes of this Section, "necessary costs and fees" has the meaning ascribed in Section 5 of the Act and is the sum total of the following:
- 1) the customary charge for instruction and use of facilities (Section 5 of the Act) (i.e., tuition);

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- 2) all charges for required textbooks, instructional materials and technology, including costs associated with the administration of State assessments under Section 2-3.64a-5 of the School Code;
  - 3) charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extracurricular activity (e.g., annually scheduled trips to museums, concerts, or places of business and industry or field trips related to instruction in social studies, the fine arts, career/vocational education or the sciences);
  - 4) charges for supplies required for a particular class (e.g., shop or home economics materials, laboratory or art supplies);
  - 5) school uniforms; and
  - 6) any other fee that the qualified school charges as a prerequisite for participation in curricular or extracurricular programs.
- b) Notwithstanding subsection (a), for purposes of this Section, "necessary costs and fees" does not include the following:
- 1) *fees payable only once* (Section 5 of the Act) per a student's enrollment within a qualified school;
  - 2) *contingent deposits that are refundable in whole or in part* (Section 5 of the Act) (e.g., locks, towels, laboratory equipment, uniforms or equipment related to intramural sports or to fine arts programs);
  - 3) library fines and other charges made for the loss, misuse or destruction of school property (e.g., musical instruments);
  - 4) charges for the purchase of class rings, yearbooks, pictures, diploma covers or similar items;
  - 5) charges for optional travel undertaken by a school club or group of students outside of school hours (e.g., a trip to Spain by the Spanish club or a senior class trip);

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- 6) charges for admission to school dances, athletic events or other social events;
  - 7) optional community service programs for which fees are charged (e.g., preschool, before- and after-school child care, recreation programs).
  - 8) graduation fees (e.g., caps, gowns); and
  - 9) any other optional fee that the qualified school charges for participation in curricular or extracurricular programs.
- c) This Section will automatically be repealed on January 1, 2024.

(Source: Added at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: College Savings Pool
- 2) Code Citation: 23 Ill. Adm. Code 2500
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2500.10	Amendment
2500.20	Amendment
2500.30	Amendment
2500.40	Amendment
2500.50	Amendment
2500.60	Amendment
2500.70	Amendment
2500.80	Amendment
2500.90	Amendment
2500.110	Amendment
2500.130	Amendment
- 4) Statutory Authority: 15 ILCS 505/16.5
- 5) Effective Date of Rules: October 20, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any incorporated by reference, is on file in the State Treasurer's office at 219 State House, Springfield, IL 62706 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 2763; March 3, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Clarification was provided on the investment policy language in Section 50. Additionally, technical revisions were made throughout the rule.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rules revision includes updates for technological advances that have occurred in recent years and to adjust the maximum contribution limit as allowed under Section 529 of the Internal Revenue Code.
- 16) Information and questions regarding these adopted rules shall be directed to:

Laura Pavlik  
Assistant General Counsel  
Illinois State Treasurer  
100 W. Randolph St., Suite 15-600  
Chicago IL 60601

312/814-3573

The full text of this Adopted Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
CHAPTER XVI: TREASURERPART 2500  
COLLEGE SAVINGS POOL

Section	
2500.10	Purpose
2500.20	Definition of Terms
2500.30	Participation Requirements
2500.40	Deposits at Participating Financial Institutions
2500.50	Investment Policy
2500.60	Record Keeping
2500.70	Withdrawals
2500.80	Administrative Expenses
2500.90	Account Limits
2500.100	Debt
2500.110	Program Documents
2500.120	Private Contractors
2500.130	Amendment of Rules

**AUTHORITY:** Implementing and authorized by Section 16.5 of the State Treasurer Act [15 ILCS 505/16.5].

**SOURCE:** Adopted by emergency rule at 24 Ill. Reg. 6118, effective March 24, 2000, for a maximum of 150 days; emergency expired August 20, 2000; adopted at 24 Ill. Reg. 14441, effective September 12, 2000; emergency amendment at 25 Ill. Reg. 13323, effective October 3, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 3747, effective February 20, 2002; emergency amendment at 29 Ill. Reg. 19308, effective November 14, 2005, for a maximum of 150 days; emergency expired April 12, 2006; amended at 41 Ill. Reg. 13368, effective October 20, 2017.

**Section 2500.10 Purpose**

The Treasurer shall establish and administer the pool as a qualified State tuition program under [sectionSection](#) 529 of the Code, thus providing participants with the federal tax benefits provided in [sectionSection](#) 529 of the Code. The pool shall be structured to enable participants to own an interest in a pool of assets, which may include, but need not be limited to, equities, bonds, money market instruments, financial institution deposits or investment funds consisting primarily of

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~~those such~~ assets. The Treasurer, in a manner that is in compliance with federal and State securities laws, shall issue interests in the pool. The Treasurer shall hold the assets of the pool in trust for the benefit of the participants and designated beneficiaries. In order to qualify the pool as a qualified state tuition program under ~~section~~Section 529 of the Code and to so hold ~~thesuch~~ assets of the pool in trust, the Treasurer may create a trust by declaration of trust. The trust shall be an instrumentality of the State of Illinois.

(Source: Amended at 41 Ill. Reg. 13368, effective October 20, 2017)

**Section 2500.20 Definition of Terms**

The following definitions shall apply to this Part:

"Act": ~~Public Act 91-0607 of the State of Illinois, which created~~ Section 16.5 ~~(College Savings Pool)~~ of the State Treasurer Act [15 ILCS 505/16.5] that establishes the College Savings Pool.

"Administrative Expenses": All expenses associated with the implementation, administration and marketing of the pool, including fees payable to third parties providing services related to the implementation, administration and marketing of the pool. Investment expenses, such as the internal fees and expenses of an investment fund in which assets of the pool are invested and other similar expenses, shall not be considered administrative expenses.

"Account": An individual investment account established and maintained in the pool.

"Applicant": Any person ~~who that~~ is in the process of applying to open an account in the pool.

"Code": The Internal Revenue Code of 1986, as amended (26 USC 1 et seq.).

"College Savings Plan": An Illinois qualified tuition program established under the Act and operated in accordance with section 529 of the Code.

"Deposits": The deposits to be made by the Treasurer, on behalf of and for the benefit of the account owners, with financial institutions accepting deposits, as required by the Act.

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"Designated Beneficiary": The designated individual whose qualified expenses are expected to be paid from an account. A designated beneficiary may be the individual designated on the application, a new beneficiary in the case of a change of beneficiaries, or an individual as part of a scholarship program operated by a State or local government (or their agency or instrumentality) or an organization described in section 501(c)(3) of the Code~~receiving a scholarship from the State, a local government, or a not for profit corporation.~~

"Earnings": The aggregate total of all dividends, interest income, and realized and unrealized capital gains and losses received or accrued by the College Savings Pool, reduced by the aggregate total of investment and administrative expenses paid out of the pool~~and interest income received by the College Savings Pool, at any time following the pool's commencement. Such aggregate total of dividends and interest income shall be reduced by the aggregate total of administrative expenses paid out of the pool at any time following the commencement of the pool. Earnings shall be determined without regard to realized or unrealized capital gains and losses incurred by the pool.~~

"Institutions of Higher Education": Educational institutions that are described in ~~section~~Section 481 of the Higher Education Act of 1965 (20 USC ~~1088~~1988), as in effect on August 5, 1997, and are eligible to participate in a program under Title ~~IV~~VI of that Act. The term may include, but is not limited to, community colleges, public and private four-year colleges, universities, graduate and post-graduate programs, and certain proprietary and vocational schools as allowed by ~~section~~Section 481.

"Investment Options": Refers to the underlying funds and investment portfolios available to participants within a program.

"Investment Policy Statement": The Investment Policy Statement adopted by the Treasurer pursuant to the Act, which establishes the College Savings Pool and sets forth the policies, objectives and guidelines that govern the investment of deposits in the programs.

"Investment Selection": Refers to the process of choosing the underlying investment funds as well as the investment portfolios by participants.

"Participant": An owner of an account on behalf of a designated beneficiary.

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"Participating Financial Institution": Any financial institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration and lawfully doing business in the State of Illinois, and any credit union lawfully doing business in the State of Illinois that has executed a participation~~selling~~ agreement with the Treasurer or his or her agent.

"Pool": The College Savings Pool authorized to be established under the Act.

"Prevailing Interest Rate": The interest rate offered by a participating financial institution to an ordinary customer seeking to deposit a given amount of money at the institution. The prevailing interest rate may be lower than the rate that is offered to certain preferred customers.

"Program Disclosure Statement": The offering document describing the College Savings Plans for distribution to participants in connection with their opening of an account and entering into a participation agreement and to others having an interest in the College Savings Plans. The program disclosure statement shall include, without limitation and unless contained in the participation agreement, the information required by the Act and otherwise required under applicable federal and Illinois laws.

"Qualified Expenses": ~~Those expenses~~To the extent treated as "qualified higher education expenses" under ~~section~~Section 529 of the Code, including: tuition, fees, computers and related equipment and services, books, supplies, special needs services in the case of a special needs beneficiary, equipment and costs for room and board (subject to certain limits as specified under the Code).

"Treasurer": The duly elected Treasurer of the State of Illinois or his or her designee or designees, which may include one or more third party service providers.

(Source: Amended at 41 Ill. Reg. 13368, effective October 20, 2017)

**Section 2500.30 Participation Requirements**

- a) Participants on behalf of designated beneficiaries shall make contributions to the pool. Any person residing in the United States at the time the account is processed may be a participant. Any person may be a designated beneficiary. Contributions may be made only in cash and not in property. Cash contributions

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may be made by check, money order, electronic transfer, or similar methods allowed by the Code. Cash contributions may not be made by credit card.

- b) New accounts in the pool shall be processed through participating financial institutions. ~~A participating financial institution may charge a processing fee that does not exceed \$30, until the year 2001, to a participant to open an account in the pool. Participating financial institutions shall be responsible for collecting the processing fee directly from an applicant. On January 2, 2001 and on January 2 of every year thereafter, the Treasurer shall adjust the maximum processing fee based on the Consumer Price Index as published by the United States Department of Labor, Bureau of Labor Statistics pursuant to 26 USC 2 for the immediately preceding calendar year. Participating financial institutions shall be notified by the Treasurer or its agent of such adjustment.~~
- c) The Treasurer shall create applications for participation in the pool to be completed by the applicant and the participating financial institution. The applicant and the participating financial institution shall be responsible for providing all of the information requested by the Treasurer. The application shall require the applicant to provide the following information:
- 1) Name, physical address, date of birth, Social Security number or Individual Tax Identification number, and signature of applicant;
  - 2) Name, physical address, date of birth, and Social Security number or Individual Tax Identification number of the designated beneficiary;
  - 3) Investment selection;
  - 4) Funding method; and
  - 5) Additional information that may be beneficial to the administration of the program, or that is required by federal regulations and/or guidance.

The Treasurer shall keep all information received from applicants confidential and may only share the information with third parties to the extent required to operate the pool. Participating financial institutions shall be required to provide information regarding the participating financial institution on the application to enable the Treasurer to open an account for the applicant and verify that the account~~Account~~ was processed through a participating financial institution.

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Applications that have the relevant section completed by the participating financial institution shall be deemed to be processed through the participating financial institution. Completed applications must be submitted ~~assent to a mailing address~~ specified in the application form ~~and the program disclosure statement~~.

- d) Applications may include an initial contribution to the pool in any amount in a manner set forth in subsection (a). No minimum contribution shall be required to open an account.~~shall include an initial contribution to the pool of an amount that is at least \$25 in the form of a check or money order payable to the pool.~~ Applications that are incomplete and applications that fail to meet the guidelines established by the Treasurer in an effort to comply with section~~Section~~ 529 of the Internal Revenue~~Code~~ shall be rejected.
- e) Subsequent contributions to the pool may~~shall~~ be in any amount~~in an amount of at least \$15~~ and may be made by the participant directly to the pool. Subsequent contributions may be made by a method set forth in subsection (a)~~electronically or in the form of a check or money order, payable to the pool.~~
- f) ~~The minimum initial contribution and minimum subsequent contribution limits are waived for contributions made to the pool through an employer offered payroll deduction program.~~

(Source: Amended at 41 Ill. Reg. 13368, effective October 20, 2017)

**Section 2500.40 Deposits at Participating Financial Institutions**

- a) The Treasurer, in accordance with the State Treasurer Act [15 ILCS 505], shall make a percentage of each account processed by a participating financial institution available for investments as deposits in participating financial institutions. Unless a participating financial institution elects not to accept the deposits or is prohibited by law from accepting the deposits, the Treasurer will make deposits in ~~such~~ participating financial institution in an amount that is at least as great as the percentages provided in the Act, provided that the deposit is federally insured or collateralized with United States Treasury obligations having maturities of 10~~ten~~ years or less, the principal and interest on which are guaranteed as to the timely payment by the United States, in an amount equal to 105% of the amount of deposit to be collateralized. The required percentage of each account to be invested in these deposits shall be invested in all participating

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financial institutions accepting deposits.

- b) The Treasurer shall make all deposits required by the Act at least annually. A participating financial institution that elects to accept deposits shall be entitled to receive the deposits related to the accounts processed through the participating financial institution as long as the accounts exist, unless the institution is prohibited by law from accepting the deposits. A participating financial institution may choose to revoke its election to accept deposits for existing accounts or may assign its right to those deposits to another participating financial institution that accepts these deposits. If a participating financial institution revokes its election to accept deposits for existing accounts, the Treasurer shall invest the deposits to which the participating financial institution would otherwise be entitled in one or more participating financial institutions selected by the Treasurer. The Treasurer shall seek to place ~~thesueh~~ deposits at a participating financial institution whose main address is in close geographic proximity to the participating financial institution that has revoked its election to accept ~~those depositssueh Deposits~~. The Treasurer shall, until each annual adjustment date, invest in deposits at financial institutions selected by the Treasurer. The Treasurer may aggregate multiple deposits to a participating financial institution.
- c) Participating financial institutions shall offer to the College Savings Pool their full range of deposit products at prevailing interest rates. Participating financial institutions shall make time deposits available to the pool at prevailing interest rates for certificates of deposit whether or not the amounts of the deposits meet the minimum investment amount required to purchase certificates of deposit. The Treasurer may require that, when a time deposit is redeemed in part prior to maturity, the participating financial institution will apply any penalty only to the redeemed portion and not to the non-redeemed portion of the time deposit. The Treasurer may require participating financial institutions to provide written confirmation that the rates offered to the pool are prevailing interest rates.
- d) The deposits in participating financial institutions shall be pooled.
- e) To the extent that a deposit is not insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, the Treasurer shall require that the deposit is fully collateralized.

(Source: Amended at 41 Ill. Reg. 13368, effective October 20, 2017)

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**Section 2500.50 Investment Policy**

- a) The Treasurer shall select the investment options to be offered by the pool to the participants. The Treasurer shall, by the commencement date of the pool and each year thereafter, develop, publish and implement an investment policy covering the investment of monies in the pool. The policy may be amended at any time and shall be published and distributed to participants 30 days prior to implementing the policy in accordance with the Act. The investment policy shall govern the investment of accounts, including the investment options available to participants.
- b) The investment policy is a written statement describing the risk management and oversight program and should be designed to:
- 1) ensure that an effective risk management process is in place to monitor the risk levels of the pool;
  - 2) ensure that risks taken are prudent, properly managed and adequately compensated compared to applicable performance benchmarks and standards;
  - 3) describe the Treasurer's investment objectives; and
  - 4) describe the process of evaluating performance of employees and contractors that provide investment management services to the pool.
- c) The Treasurer shall abide by the following investment principles when selecting investment options for college savings accounts:
- 1) Low Cost – The pool's investment options shall be constructed and administered in a manner that is designed to minimize investment fees to designated beneficiaries.
  - 2) Open Architecture – The pool's investment framework shall utilize an open architecture plan design, meaning it will not be required to use proprietary funds. The open architecture design shall allow the Treasurer to select the underlying investment funds. The open architecture design shall also provide the treasurer with access to best in class portfolio managers; the ability to use nonproprietary products; increased flexibility

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when choosing underlying strategies; and the ability to obtain the lowest participant fees for underlying investment funds and accounts.

3) Various Investment Options – The pool's investment options may include, but are not limited to, dynamic age-based portfolios, static portfolios with varying target allocations (i.e., aggressive, moderate or conservative risk profiles), and individual fund portfolios, that may include some or all of the following asset categories:

A) short-term investments (i.e., money market funds);

B) fixed income investments;

C) real estate investments;

D) domestic equity investments; and

E) international equity investments.

d) No participant or designated beneficiary may, directly or indirectly, cause the investment of any contributions to an account or any earnings on an account to be made to any investment option other than one currently offered to the participants. The investment selection may be changed by the participant, provided it is in accordance with section 529 of the Code. The Treasurer shall select the investment options to be offered by the pool to the participants. The Treasurer shall, by the commencement date of the pool and by July 1 of each year thereafter, develop, publish and implement an investment policy covering the investment of monies in the pool. Such policy may be amended at any time and shall be published 30 days prior to implementing the policy in accordance with the Act. The investment policy shall govern the investment of accounts, including the investment options available to participants. No participant or designated beneficiary may directly or indirectly direct the investment of any contributions to an account or any earnings on an account. Except as permitted by Section 529 of the Code, the investment strategy may not be changed by the participant after it is selected at the time the initial contribution establishing the account is made. Such investment policy shall permit moneys in the pool to be invested in the same manner and in the same types of investments, and subject to the same limitations provided for the investment of moneys by the State Board of Investments.

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(Source: Amended at 41 Ill. Reg. 13368, effective October 20, 2017)

**Section 2500.60 Record Keeping**

The Treasurer shall maintain records that enable the Treasurer to produce a report for each account in the pool, at least annually, that documents the account balance and investment earnings. There shall be a separate accounting for each account and contributions to each account and any earnings attributable to the account must be allocated to the appropriate account. The Treasurer shall provide, or cause to be provided, to each participant and to the participating financial institution at which the account was processed, at least annually, an account statement showing the total account balance, the investment in the account, and earnings and distributions from the account.

(Source: Amended at 41 Ill. Reg. 13368, effective October 20, 2017)

**Section 2500.70 Withdrawals**

- a) There shall be no penalty assessed for withdrawals for qualified expenses, withdrawals for expenses other than qualified expenses upon the death or disability of the designated beneficiary in accordance with the provisions of ~~section~~Section 529 of the Code, withdrawals for the attendance by the beneficiary at a U.S. military academy, withdrawals included in income only because the qualified education expenses were taken into account in determining the applicable credit allowed under section 529(c)(3)(v) of the Code, or for withdrawals for expenses other than qualified expenses if the designated beneficiary receives a scholarship (or allowance or payment described in ~~section~~Section 135(d)(1)(b) or (c) of the Code) that equals or exceeds the distribution. In addition, no penalty shall be assessed on a transfer from an account of a designated beneficiary to an account of another designated beneficiary ~~who~~that is a member of the family of the ~~preceding original~~ designated beneficiary. Also, no penalty shall be assessed on a distribution from an account of a designated beneficiary that is deposited within 60 days after the distribution into the original account or an account of another designated beneficiary that is a member of the family of the ~~preceding original~~ designated beneficiary. "Member of family~~Family~~" is defined in ~~section~~Section 529(e) of the Code.
- b) ~~For any withdrawals or distributions other than those listed in subsection (a) and those that are not subject to an additional tax assessed by the Internal Revenue Service that is equal to 10% of earnings on the withdrawal of the distribution, the~~

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~~Treasurer shall assess a penalty of 10% of the earnings portion of the non-qualified withdrawal or distribution, as required by Section 16.5 of the State Treasurer Act and Section 529 of the Code. The Treasurer may also assess a penalty to cover costs associated with the redemption of deposits prior to maturity. The calculation of the portion of the distribution that constitutes earnings subject to this penalty shall be in accordance with Section 529 of the Code.~~

- be) The Treasurer shall implement practices and procedures to identify whether a distribution is a qualified withdrawal under section 529 of the Code and notify appropriate State and federal agencies if the distribution is non-qualified, is subject to a penalty and to collect any penalty that is due. These practices and procedures shall meet the safe harbor requirements under section~~Section~~ 529 of the Code and the regulations promulgated under that statute.

(Source: Amended at 41 Ill. Reg. 13368, effective October 20, 2017)

**Section 2500.80 Administrative Expenses**

- a) ~~The administrative expenses of the College Savings Pool shall be paid from its earnings.~~ b) Administrative expenses shall be paid from earnings and shall be allocated among the pool's underlying investment portfolios in an equitable manner determined by the Treasurer. Investment earnings in excess of the administrative expenses of the pool ~~and all monies collected by the pool as penalties as a result of withdrawals that are not used to pay qualified expenses,~~ after the payment of expenses, shall be credited or paid monthly to participants in the pool in a manner that equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which those amounts were in the custody of the pool, and shall be allocated among the pool's underlying investment portfolios in a manner equitably determined by the Treasurer.
- be) In the event that the Treasurer is obligated to pay administrative expenses of the pool, but the pool has insufficient earnings to make ~~that~~such payment, the obligation to pay the administrative expenses may accrue, but the Treasurer shall not pay the administrative expenses until ~~such time as~~ the pool has sufficient earnings to support ~~the~~such payment.
- cd) The Treasurer may permit a third party service provider to provide compensation

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to participating financial institutions or other financial services providers that promote the pool to their customers, provided that the cost of the compensation is not passed on to participants without their consent.

(Source: Amended at 41 Ill. Reg. 13368, effective October 20, 2017)

**Section 2500.90 Account Limits**

- a) As provided in subsection (b), the~~The~~ Treasurer shall limit the ~~contribution~~~~contribution~~ that may be made on behalf of a designated beneficiary, ~~based on an actuarial estimate of what is required to pay tuition, fees, and room and board for 5 undergraduate years at the highest cost eligible educational institution.~~ The account balance limit will be reflected on the Treasurer's website or in another form that provides adequate notice to account owners. The account balance limit, ~~\$235,000~~, shall be the same for all accounts of designated beneficiaries with the same expected year of enrollment and may be the same for all accounts in the pool. No participant may make a contribution to an account if that contribution would cause the aggregate balance to exceed the account balance limit established by the Treasurer. For purposes of the account balance limit, the aggregate balance shall be comprised of all accounts under all section 529 of the Code qualified tuition programs in the State of Illinois for a particular designated beneficiary. An account may only exceed the account balance limit in the event that earnings or interest accrue. The Treasurer may adjust the contribution limit annually and will provide reasonable notice to the account owners in advance of any adjustment.~~all accounts in the pool. No participant may make a contribution to an account if such a contribution would result in the aggregated balance of all accounts under all qualified state tuition programs qualifying under Section 529 of the Code for a particular designated beneficiary exceeding the account balance limit established by the Treasurer. The Treasurer shall review the contribution limit annually.~~
- b) Account Balance Limit Calculation
- 1) When adjusting the account balance limit, the Treasurer will use estimates of tuition, fees, books, supplies, equipment, and room and board as set forth in the cost of attendance for an undergraduate, graduate and professional degree from at least two public and two private institutions of higher education reasonably believed to be the highest cost in:

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- A) Illinois;
  - B) the Midwest; and
  - C) nationally.
- 2) Thus, the Treasurer will utilize the estimated costs from no less than 12 institutions of higher education.

(Source: Amended at 41 Ill. Reg. 13368, effective October 20, 2017)

**Section 2500.110 Program Documents**

In order to establish and administer the pool, the Treasurer may enter into all necessary agreements, documents and instruments with terms and provisions that shall not be inconsistent with the Act, sectionSection 529 of the Code and the regulations promulgated under the Code, or this Part.

(Source: Amended at 41 Ill. Reg. 13368, effective October 20, 2017)

**Section 2500.130 Amendment of Rules**

~~a) *Notice of any proposed amendments to the rules and regulations shall be provided to all participants prior to adoption. Amendments to rules and regulations shall apply only to contributions made after the adoption of the amendment. [15 ILCS 505/16.5]* Notice of any proposed substantive amendment to this Part shall be provided to all participants prior to adoption as provided in Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].~~

- ~~b) Any amendment to this Part shall only apply to contributions made after the adoption of the amendment.~~

(Source: Amended at 41 Ill. Reg. 13368, effective October 20, 2017)

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- 1) Heading of the Part: Rules for Charitable Trust Stabilization Committee
- 2) Code Citation: 74 Ill. Adm. Code 650
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
650.30	Amendment
650.50	Amendment
- 4) Statutory Authority: Charitable Trust Stabilization Act, 30 ILCS 790
- 5) Effective Date of Rules: October 20, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any materials including incorporation by reference, is on file in the State Treasurer's office at 219 State house, Springfield, IL 62706 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 10322; August 4, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: The wording in Section 650.50(a)(5) was revised to require "evidence of good standing" rather than a "Certificate of Good Standing."
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking will update the grant application process for the Charitable Trust Stabilization Program, which awards grants to help small community-based organizations and non-profits operating in Illinois. The supporting

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documentation requirements are being updated in order to better reflect the documents needed for consideration of an application and to expand the pool of qualified applicants.

- 16) Information and questions regarding these adopted rules shall be directed to:

Laura Pavlik  
Assistant General Counsel  
Illinois State Treasurer  
100 W. Randolph Street  
Suite 15-600  
Chicago IL 60601

312/814-3573

The full text of this Adopted Amendments begins on the next page:

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TITLE 74: PUBLIC FINANCE

CHAPTER V: TREASURER

PART 650

RULES FOR CHARITABLE TRUST STABILIZATION COMMITTEE

SUBPART A: GENERAL PROVISIONS

Section  
650.10        Definitions

SUBPART B: PURPOSE AND ELIGIBILITY

Section  
650.20        Purpose  
650.30        Grant Eligibility Criteria  
650.40        Special Attention to Certain Applicants

SUBPART C: APPLICATION PROCEDURES

Section  
650.50        Grant Application Process  
650.60        Initial Review Process  
650.70        Committee Consideration and Recommendation of Applications  
650.80        Grant Award by Treasurer

SUBPART D: CONDITIONS OF AWARDS AND AGREEMENTS

Section  
650.90        General Terms and Conditions of Grant Awards  
650.100       Grant Agreements  
650.110       Post Award Obligations

SUBPART E: PUBLIC NOTICE OF GRANT INFORMATION

Section  
650.120       Public Notice of Grant Information

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AUTHORITY: Implementing and authorized by the Charitable Trust Stabilization Act [30 ILCS 790].

SOURCE: Adopted at 38 Ill. Reg. 23810, effective December 4, 2014; amended at 41 Ill. Reg. 13383, effective October 20, 2017.

## SUBPART B: PURPOSE AND ELIGIBILITY

**Section 650.30 Grant Eligibility Criteria**

Grant awards may be made to an applicant that:

- a) *is a not-for-profit corporation that is exempt from federal income taxation under Section 501(c)(3) of the federal Internal Revenue Code (26 USC 501(c)(3)) (Section 15(1) of the Act);*
- b) *is organized under the General Not for Profit Corporation Act of 1986 [805 ILCS 105] for the purpose of providing charitable services to the community (Section 15(2) of the Act);*
- c) *complies with the provisions of the Charitable Trust Act [760 ILCS 55] (Section 15(3) of the Act);*
- d) *is domiciled in the State of Illinois and provides charitable services exclusively in the State of Illinois;*
- e) *has the equivalent of one full-time paid employee; and*
- f) *certifies that it has adopted a nondiscrimination policy that complies with the Illinois Human Rights Act [775 ILCS 5] and all applicable federal and State laws of non-discrimination on the basis of race, gender, sexual orientation, age, national origin, disability, family status or religion.*

(Source: Amended at 41 Ill. Reg. 13383, effective October 20, 2017)

## SUBPART C: APPLICATION PROCEDURES

**Section 650.50 Grant Application Process**

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- a) Applicants shall submit a written grant application, provided by the State Treasurer, with supporting documentation in order to be considered for a grant award. The following supporting documentation must accompany the application:
- 1) The applicant's current IRS determination letter or, if pending, Form 1023 or 1024.
  - 2) Most recent Form 990 filed by the applicant with the IRS, including Schedule A, or an explanation of why none has been filed.
  - 3) The following forms of, and statements required by, the Illinois Attorney General (see 14 Ill. Adm. Code 400):
    - A) Either:
      - i) Illinois Charitable Organization Registration Statement (Form CO-1); or
      - ii) other official documentation showing that the applicant is currently registered with the Illinois Attorney General's Charitable Trust Bureau.
    - B) If the applicant has been in existence less than one year, Form CO-2.
    - C) If the Applicant has been in existence more than one year, AG990-IL, with all required attachments, fees and signatures, for each of the most recent three years of existence.
    - ~~D)~~ ~~A financial statement in the form required by 14 Ill. Adm. 400.60.~~
    - ~~DE)~~ Form IFC (for each fundraising campaign, if a professional fundraiser was used).
  - 4) Any and all contracts with professional fundraisers.
  - 5) Articles of Incorporation, evidence of good standing from the Office of the Illinois Secretary of State, and ~~all amendments and~~ all By-Laws.

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- 6) A complete list of all officers, directors and/or trustees, including names, addresses and daytime phone numbers.
  - 7) List of any other grants the applicant has received in the past two years, including, without limitation, federal, state or private grants.
  - 8) Other documentation deemed necessary by the State Treasurer or the Committee.
- b) Additional documentation may be provided voluntarily by the applicant, or may be requested by the State Treasurer or Committee upon receipt and review of the proposal.
- c) The grant application, with all required supporting documentation, shall be submitted ~~on to~~ the State [Treasurer's website at www.illinoistreasurer.gov](http://www.illinoistreasurer.gov) (or any [successor website](#)). ~~Applications may also be accepted~~ ~~Treasurer~~ in-person or via mail at the following address:

Illinois State Treasurer  
Attn: Charitable Trust Stabilization Fund  
100 W. Randolph Street, Suite 15-600  
Chicago IL 60601

(Source: Amended at 41 Ill. Reg. 13383, effective October 20, 2017)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Number: 211.7150                      Adopted Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 9.1(e), and 27
- 5) Effective Date of Rule: October 23, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted rule, a copy of the Board's opinion and order adopted October 19, 2017 in docket R17-11, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 10397; August 11, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the Proposal and the Final Version: A table that appears in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" (IIS-RA(F)) that the Board added to docket R17-11 summarizes the differences between the amendment adopted in the October 19, 2017 in docket R17-11 and those proposed by the Board in an opinion and order dated July 26, 2017. Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendment.

The differences are limited to minor corrections and stylistic changes. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

deviation from the substance of the federal amendments on which this proceeding is based.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendment appeared in the August 11, 2017 issue of the *Illinois Register*, the Board received suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the IIS-RA(F) in docket R17-11, as indicated in item 11 above. See the IIS-RA(F) in docket R17-10 for additional details on the JCAR suggestions and the Board actions with regard to each. One table in the IIS-RA(F) itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of October 19, 2017, adopting an amendment in docket R17-11, which opinion and order is available from the address below.

The R17-11 proceeding relates to the listings of compounds exempted from the State definition of "volatile organic material" (VOM) or "volatile organic compound" (VOC) in 35 Ill. Adm. Code 211.7150 of the Illinois air pollution control rules. This amendment would update the definition of to correspond with an amendment to the corresponding definition of VOC at 40 C.F.R. 51.100(s) that the United States Environmental Protection Agency (USEPA) adopted during the period July 1, 2016 through December 31, 2016:

August 1, 2016  
(81 Fed. Reg. 50330)

USEPA added one hydrofluoroether compound to the list of chemical species excluded from the federal definition of VOC.

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Tables appear in the IIS-RA(F) that the Board added to docket R17-11 that list the revisions to the text of the corresponding federal rule, the amendments that are not based on current federal amendments, and the revisions to the text since the Board's July 26, 2017 proposal for public comment. The tables contain deviations from the literal text of the federal amendments underlying this amendment, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(F) in docket R17-11.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

- 16) Information and questions regarding this adopted rule shall be directed to: Please reference consolidated docket R17-11 and direct inquiries to the following person:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago IL 60601

312/814-6924  
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order of October 19, 2017 at 312/814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the Adopted Amendment begins on the next page:

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## NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCESPART 211  
DEFINITIONS AND GENERAL PROVISIONS

## SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporated and Referenced Materials
211.102	Abbreviations and Conversion Factors

## SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.200	Acrylonitrile Butadiene Styrene (ABS) Welding
211.210	Actual Heat Input
211.230	Adhesive
211.233	Adhesion Primer
211.235	Adhesive Primer
211.240	Adhesion Promoter
211.250	Aeration
211.260	Aerosol Adhesive and Adhesive Primer
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment

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211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol
211.479	Allowance
211.481	Ammunition Sealant
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.492	Antifoulant Coating
211.493	Antifouling Sealer/Tie Coat
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.540	Architectural Structure
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.665	Auxiliary Boiler
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.715	Bedliner
211.730	Binders
211.735	Black Coating
211.740	Brakehorsepower (rated-bhp)
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant

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211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.825	Camouflage Coating
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.880	Cap Sealant
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.953	Carbon Adsorber
211.954	Cavity Wax
211.955	Cement
211.960	Cement Kiln
211.965	Ceramic Tile Installation Adhesive
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.995	Circulating Fluidized Bed Combustor
211.1000	Class II Finish
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1128	Closed Molding
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1312	Combined Cycle System

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211.1315	Combustion Tuning
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensable PM-10
211.1435	Container Glass
211.1455	Contact Adhesive
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1560	Cove Base
211.1565	Cove Base Installation Adhesive
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1655	Cyanoacrylate Adhesive
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1700	Deadener
211.1710	Degreaser
211.1730	Delivery Vessel
211.1740	Diesel Engine
211.1745	Digital Printing
211.1750	Dip Coating
211.1770	Distillate Fuel Oil

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211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1872	Ejection Cartridge Sealant
211.1875	Elastomeric Materials
211.1876	Electric Dissipating Coating
211.1877	Electric-Insulating Varnish
211.1878	Electrical Apparatus Component
211.1880	Electrical Switchgear Compartment Coating
211.1882	Electrodeposition Primer (EDP)
211.1883	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2040	Etching Filler
211.2050	Ethanol Blend Gasoline
211.2055	Ethylene Propylenediene Monomer (DPDM) Roof Membrane
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2200	Extreme High-Gloss Coating
211.2210	Extreme Performance Coating

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211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2320	Finish Primer Surfacer
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2355	Flare
211.2357	Flat Glass
211.2358	Flat Wood Paneling
211.2359	Flat Wood Paneling Coating Line
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2368	Flexible Packaging
211.2369	Flexible Vinyl
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2415	Fog Coat
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2525	Gasket/Gasket Sealing Material
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2615	General Work Surface
211.2620	Generator
211.2622	Glass Bonding Primer
211.2625	Glass Melting Furnace

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211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2800	Hardwood Plywood
211.2810	Heated Airless Spray
211.2815	Heat Input
211.2820	Heat Input Rate
211.2825	Heat-Resistant Coating
211.2830	Heatset
211.2840	Heatset Web Letterpress Printing Line
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2955	High Bake Coating
211.2956	High Build Primer Surfacer
211.2958	High Gloss Coating
211.2960	High-Performance Architectural Coating
211.2965	High Precision Optic
211.2970	High Temperature Aluminum Coating
211.2980	High Temperature Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3095	Indoor Floor Covering Installation Adhesive
211.3100	Industrial Boiler
211.3110	Ink
211.3120	In-Line Repair

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211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3215	Janitorial Cleaning
211.3230	Lacquers
211.3240	Laminate
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3300	Lean-Burn Engine
211.3305	Letterpress Printing Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3355	Lime Kiln
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3475	Load Shaving Unit
211.3480	Loading Event
211.3483	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NO <sub>x</sub> Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3505	Lubricating Wax/Compound
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3555	Maintenance Cleaning
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment

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211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3665	Mask Coating
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3705	Medical Device
211.3707	Medical Device and Pharmaceutical Manufacturing
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3760	Metallic Coating
211.3770	Metallic Shoe-Type Seal
211.3775	Metal to Urethane/Rubber Molding or Casting Adhesive
211.3780	Mid-Kiln Firing
211.3785	Military Specification Coating
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3820	Miscellaneous Industrial Adhesive Application Operation
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3925	Mold Seal Coating
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3961	Motor Vehicle Adhesive
211.3965	Motor Vehicle Refinishing
211.3966	Motor Vehicle Weatherstrip Adhesive
211.3967	Mouth Waterproofing Sealant
211.3968	Multi-Colored Coating
211.3969	Multi-Component Coating
211.3970	Multiple Package Coating
211.3975	Multipurpose Construction Adhesive
211.3980	Nameplate Capacity

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211.3985	Natural Finish Hardwood Plywood Panel
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4052	Non-Convertible Coating
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO <sub>x</sub> Trading Program
211.4070	Offset
211.4080	One-Component Coating
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4220	Optical Coating
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4280	Other Glass
211.4285	Outdoor Floor Covering Installation Adhesive
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4455	Pan-Backing Coating
211.4460	Panel
211.4470	Paper Coating

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211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4540	Perimeter Bonded Sheet Flooring
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4720	Pipeline Natural Gas
211.4730	Plant
211.4735	Plastic
211.4740	Plastic Part
211.4750	Plasticizers
211.4760	Plastic Solvent Welding Adhesive
211.4765	Plastic Solvent Welding Adhesive Primer
211.4768	Pleasure Craft
211.4769	Pleasure Craft Surface Coating
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4895	Polyvinyl Chloride Plastic (PVC Plastic)
211.4900	Porous Material
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5012	Prefabricated Architectural Coating
211.5015	Preheater Kiln

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211.5020	Preheater/Precalciner Kiln
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Coating
211.5062	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5075	Primer Sealant
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5140	Printed Interior Panel
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5195	Process Heater
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5335	Radiation Effect Coating
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5400	Red Coating
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant

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211.5510	Reid Vapor Pressure
211.5520	Reinforced Plastic Composite
211.5530	Repair
211.5535	Repair Cleaning
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5585	Research and Development Operation
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5640	Rich-Burn Engine
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5800	Rubber
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5860	Scientific Instrument
211.5870	Screening
211.5875	Screen Printing
211.5880	Screen Printing on Paper
211.5885	Screen Reclamation
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5985	Sheet Rubber Lining Installation
211.5987	Shock-Free Coating
211.5990	Shotblasting

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211.6010	Side-Seam Spray Coat
211.6012	Silicone-Release Coating
211.6015	Single-Ply Roof Membrane
211.6017	Single-Ply Roof Membrane Adhesive Primer
211.6020	Single-Ply Roof Membrane Installation and Repair Adhesive
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6063	Solar-Absorbent Coating
211.6065	Solids Turnover Ratio ( $R_T$ )
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6405	Sterilization Indicating Ink
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6425	Stripping
211.6427	Structural Glazing
211.6430	Styrene Devolatilizer Unit

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211.6450	Styrene Recovery Unit
211.6460	Subfloor
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6535	Surface Preparation
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6585	Thin Metal Laminating Adhesive
211.6587	Thin Particleboard
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6635	Tileboard
211.6640	Tire Repair
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6740	Translucent Coating
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6780	Trunk Interior Coating
211.6790	Turnaround
211.6810	Two-Piece Can
211.6825	Underbody Coating
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6885	Vacuum Metalizing Coating

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211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7220	Waterproof Resorcinol Glue
211.7230	Weak Nitric Acid Manufacturing Process
211.7240	Weatherstrip Adhesive
211.7250	Web
211.7270	Wholesale Purchase – Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

211.APPENDIX A Rule into Section Table

211.APPENDIX B Section into Rule Table

**AUTHORITY:** Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, and 27].

**SOURCE:** Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21,

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1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-23 at 35 Ill. Reg. 13451, effective July 27, 2011; amended in R12-24 at 37 Ill. Reg. 1662, effective January 28, 2013; amended in R13-1 at 37 Ill. Reg. 1913, effective February 4, 2013; amended in R14-7 at 37 Ill. Reg. 19824, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12876, effective June 9, 2014; amended in R15-5 at 39 Ill. Reg. 5410, effective March 24, 2015;

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amended in R17-2 at 41 Ill. Reg. 1096, effective January 23, 2017; amended in R17-9 at 41 Ill. Reg. 4173, effective March 24, 2017; amended in R17-11 at 41 Ill. Reg. 13389, effective October 23, 2017.

## SUBPART B: DEFINITIONS

**Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)**

"Volatile organic material" (also "VOM") or "volatile organic compound" (also "VOC") means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

- a) This definition of VOM includes any organic compound that participates in atmospheric photochemical reactions, other than the compounds listed in this subsection (a). USEPA has determined that the compounds listed in this subsection (a) have negligible photochemical reactivity. ~~USEPA has excluded the listed negligibly reactive compounds from the definition of VOM for purposes of VOM limitations or VOM content requirements. However, USEPA has required that certain of these compounds be considered VOM for purposes of recordkeeping, emissions reporting, and inventory requirements, as described in subsection (c) of this Section.~~

2-Amino-2-methylpropan-1-ol (CAS No. 124-68-5)

Bis(difluoromethoxy)difluoromethane (HFE-236cal2, CAS No. 78522-47-1)

1,2-Bis(difluoromethoxy)-1,1,2,2-tetrafluoroethane  
(HFE-338pcc13, CAS No. 188690-78-0)

tertiary-Butyl acetate (1,1-dimethylethyl acetic acid ester, CAS No. 540-88-5)

1-Chloro-1,1-difluoroethane (HCFC-142b, CAS No. 75-68-3)

Chlorodifluoromethane (CFC-22, CAS No. 75-45-6)

1-Chloro-1-fluoroethane (HCFC-151a, CAS No. 1615-75-4)

Chlorofluoromethane (HCFC-31, CAS No. 593-70-4)

Chloropentafluoroethane (CFC-115, CAS No. 76-15-3)

2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124, CAS No. 2837-89-0)

1-Chloro-4-(trifluoromethyl)benzene (parachlorobenzotrifluoride  
(PCBTF), CAS No. 98-56-6)

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- (1E)-1-Chloro-3,3,3-trifluoroprop-1-ene (trans-1-chloro-3,3,3-trifluoroprop-1-ene, CAS No. [102687-65-029118-24-9](#))
- 1,1,1,2,2,3,4,5,5,5-Decafluoro-3-methoxy-4-trifluoromethylpentane (HFE-7300, CAS No. 132182-92-4)
- 1,1,1,2,3,4,4,5,5,5-Decafluoropentane (HFC 43-10mee, CAS No. 138495-42-8)
- Dichlorodifluoromethane (CFC-12, CAS No. 75-71-8)
- 1,1-Dichloro-1-fluoroethane (HCFC-141b, CAS No. 1717-00-6)
- Dichloromethane (methylene chloride, CAS No. 75-09-2)
- 3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca, CAS No. 422-56-0)
- 1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb, CAS No. 507-55-1)
- 1,2-Dichloro-1,1,2,2-tetrafluoroethane (CFC-114, CAS No. 76-14-2)
- 1,1-Dichloro-2,2,2-trifluoroethane (HCFC-123, CAS No. 306-83-2)
- 1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a, CAS No. 354-23-4)
- 1,1-Difluoroethane (HFC-152a, CAS No. 75-37-6)
- Difluoromethane (HFC-32, CAS No. 75-10-5)
- (Difluoromethoxy)difluoromethane (HFE-134, CAS No. 1691-17-4)
- 1-(Difluoromethoxy)-2-[(difluoromethoxy)(difluoro)methoxy]-1,1,2,2-tetrafluoroethane (HFE-43-10pccc124, CAS No. 188690-77-9)
- 2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane (CAS No. 163702-08-7)
- Dimethyl carbonate (CAS No. 616-38-6)
- Ethane (CAS No. 74-84-0)
- 2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane (CAS No. 163702-06-5)
- 3-Ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane (HFE-7500, CAS No. 297730-93-9)
- 1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (HFE-7200, CAS No. 163702-05-4)
- Ethylfluoride (HFC-161, CAS No. 353-36-6)
- 1,1,1,2,2,3,3-Heptafluoro-3-methoxypropane (HFE-7000, CAS No. 375-03-1)
- 1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea, CAS No. 431-89-0)
- 1,1,1,2,3,3-Hexafluoropropane (HFC-236ea, CAS No. 431-63-0)
- 1,1,1,3,3,3-Hexafluoropropane (HFC-236fa, CAS No. 690-39-1)
- Methane (CAS No. 74-82-8)
- Methyl acetate (methyl ethanoate, CAS No. 79-20-9)

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4-Methyl-1,3-dioxolan-2-one (propylene carbonate, CAS No. 108-32-7)  
Methyl formate (methyl methanoate, CAS No. 107-31-3)  
1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane (HFE-7100, CAS No. 163702-07-6)  
1,1,1,3,3-Pentafluorobutane (HFC-365mfc, CAS No. 406-58-6)  
Pentafluoroethane (HFC-125, CAS No. 354-33-6)  
1,1,2,2,3-Pentafluoropropane (HFC-245ca, CAS No. 679-86-7)  
1,1,2,3,3-Pentafluoropropane (HFC-245ea, CAS No. 24270-66-4)  
1,1,1,2,3-Pentafluoropropane (HFC-245eb, CAS No. 431-31-2)  
1,1,1,3,3-Pentafluoropropane (HFC-245fa, CAS No. 460-73-1)  
Perfluorocarbon compounds that fall into the following classes:  
    Cyclic, branched, or linear, completely fluorinated alkanes  
    Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations  
    Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations  
    Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine  
Propan-2-one (acetone or dimethylketone, CAS No. 67-64-1)  
Siloxanes: cyclic, branched, or linear completely-methylated  
Tetrachloroethene (perchloroethylene, CAS No. 127-18-4)  
1,1,2,2-Tetrafluoroethane (HFC-134, CAS No. 359-35-3)  
1,1,1,2-Tetrafluoroethane (HFC-134a, CAS No. 811-97-2)  
(1E)-1,3,3,3-Tetrafluoropropene (trans-1,3,3,3-tetrafluoropropene, HFO-1234ze, CAS No. 29118-24-9)  
2,3,3,3-Tetrafluoroprop-1-ene (HFO-1234yf, CAS No. 754-12-1)  
1,1,1-Trichloroethane (methyl chloroform, CAS No. 71-55-6)  
[1,1,2,2-tetrafluoro-1-\(2,2,2-trifluoroethoxy\)ethane \(HFE-347pcf2, CAS No. 406-78-0\)](#)  
Trichlorofluoromethane (CFC-11, CAS No. 75-69-4)  
1,1,2-Trichloro-1,2,2-trifluoroethane (CFC-113, CAS No. 76-13-1)  
1,1,1-Trifluoroethane (HFC-143a, CAS No. 420-46-2)  
Trifluoromethane (HFC-23, CAS No. 75-46-7)

- b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR 60, appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112, and 219.112, as applicable, or by source-specific test methods that have been established pursuant to a permit issued under

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a program approved or promulgated under Title V of the Clean Air Act; under 40 CFR 51, subpart I or appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusion is approved by the Agency.

- c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.
- d) The USEPA will not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the test methods in subsection (b).

(Source: Amended at 41 Ill. Reg. 13389, effective October 23, 2017)

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- 1) Heading of the Part: Air Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 243
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
243.101	Amendment
243.105	Amendment
243.108	Amendment
243.120	Amendment
243.Table A	Repealed
- 4) Statutory Authority: 415 ILCS 5/7.2, 10, and 27.
- 5) Effective Date of Rule: October 23, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Statement of Availability: The adopted amendments, a copy of the Board's opinion and order adopted October 19, 2017 in docket R17-10, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 10422; August 11, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between the Proposal and the Final Version: The differences between the amendment adopted on October 19, 2017 in docket R17-1 and those proposed by the Board in an opinion and order dated July 26, 2017 are limited to minor corrections that have no substantive effect. The Board listed the changes in a document entitled, "Identical-in-Substance Rulemaking Addendum (Final) to the October 19, 2017 Opinion and Order of the Board" (IIS-RA(P)) that the Board added to docket R17-10.

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- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of October 19, 2017, adopting amendments in docket R17-10, which opinion and order is available from the address below.

The R17-10 proceeding relates to the Illinois ambient air quality requirements in 35 Ill. Adm. Code 243 of the Illinois air pollution control rules. This amendment would update the Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards (NAAQSs) that the United States Environmental Protection Agency (USEPA) adopted during the period July 1, 2016 through December 31, 2016. The Board added USEPA actions of March 20, 2017; May 11, 2017; and June 16, 2017 for the purpose of administrative economy. The Federal NAAQS are codified at 40 C.F.R. 50. During this period, USEPA amended implementation of its NAAQSs as follows:

July 13, 2016 (81 Fed. Reg. 45284)	USEPA designated one federal reference method (FRM) for sulfurdioxide (SO <sub>2</sub> ) and four new federal equivalent methods (FEMs) for particulate matter (PM) in ambient air: two for fine PM (PM <sub>2.5</sub> ), one for total PM (PM <sub>10</sub> ), and one for coarse PM (PM <sub>10-2.5</sub> ).
August 11, 2016 (81 Fed. Reg. 53006)	USEPA adopted a technical correction to an equation used for calculating compliance with the NAAQS for PM <sub>2.5</sub> in ambient air.
August 24, 2016 (81 Fed. Reg. 58010)	USEPA adopted implementation rules for the 2012 primary annual NAAQS for PM <sub>2.5</sub> .

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September 29, 2016 (81 Fed. Reg. 68823)	USEPA withdrew the direct final rule of August 11, 2016.
October 3, 2016 (81 Fed. Reg. 68216)	USEPA revised the requirements for handling monitoring data influenced by exceptional events.
October 18, 2016 (81 Fed. Reg. 71906)	USEPA retained the 2008 primary and secondary three-month average NAAQS for lead without revision.
March 20, 2017 (82 Fed. Reg. 14325)	USEPA adopted a technical correction to an equation used for calculating compliance with the NAAQS for PM <sub>2.5</sub> in ambient air.
May 11, 2017 (82 Fed. Reg. 21995)	USEPA designated one new federal equivalent method (FEM) for nitrogen dioxide (NO <sub>2</sub> ) in ambient air.
June 16, 2017	USEPA issued an updated version of its List of Designated Reference and Equivalent Methods (List of Designated Methods).

The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than listing the designated methods. The Board further updated incorporations by reference to Code of Federal Regulations provisions to the latest version available.

Tables appear in the IIS-RA(F) that the Board added to docket R17-10 that list the revisions to the text of the corresponding federal rule and the amendment that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the Identical-in-Substance Rulemaking Addendum (Final) in docket R17-10.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

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- 16) Information and questions regarding these adopted rules shall be directed to:

Please reference consolidated docket R17-10 and direct inquiries to the following person:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago IL 60601

312/814-6924  
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order of October 19, 2017 at 312/814-3620.  
Alternatively, you may obtain a copy of the Board's opinion and order from the Internet  
at <http://www.ipcb.state.il.us>.

The full text of the Adopted Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER I: AIR QUALITY STANDARDS AND EPISODESPART 243  
AIR QUALITY STANDARDS

## SUBPART A: GENERAL PROVISIONS

## Section

243.101	Definitions
243.102	Scope
243.103	Applicability
243.104	Nondegradation (Repealed)
243.105	Air Quality Monitoring Data Influenced by Exceptional Events
243.106	Monitoring (Repealed)
243.107	Reference Conditions
243.108	Incorporations by Reference

## SUBPART B: STANDARDS AND MEASUREMENT METHODS

## Section

243.120	PM <sub>10</sub> and PM <sub>2.5</sub>
243.121	Particulates (Repealed)
243.122	Sulfur Oxides (Sulfur Dioxide)
243.123	Carbon Monoxide
243.124	Nitrogen Oxides (Nitrogen Dioxide as Indicator)
243.125	Ozone
243.126	Lead

243.APPENDIX A	Rule into Section Table (Repealed)
243.APPENDIX B	Section into Rule Table (Repealed)
243.APPENDIX C	Past Compliance Dates (Repealed)
243.TABLE A	Schedule for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations <a href="#">(Repealed)</a>

AUTHORITY: Implementing Sections 7.2 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10, and 27].

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SOURCE: Adopted as Chapter 2: Air Pollution, Part III: Air Quality Standards, in R71-23, filed and effective April 14, 1972; amended in R80-11, at 6 Ill. Reg. 5804, effective April 22, 1982; amended in R82-12, at 7 Ill. Reg. 9906, effective August 18, 1983; codified at 7 Ill. Reg. 13630; amended in R91-35 at 16 Ill. Reg. 8185, effective May 15, 1992; amended in R09-19 at 35 Ill. Reg. 18857, effective October 25, 2011; amended in R13-11 at 37 Ill. Reg. 12882, effective July 29, 2013; amended in R14-6 at 37 Ill. Reg. 19848, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12900, effective June 9, 2014; amended in R15-4 at 39 Ill. Reg. 5434, effective March 24, 2015; amended in R16-2 at 40 Ill. Reg. 4906, effective March 3, 2016; amended in R17-1 at 41 Ill. Reg. 1121, effective January 23, 2017; amended in R17-10 at 41 Ill. Reg. 13413, effective October 23, 2017.

## SUBPART A: GENERAL PROVISIONS

**Section 243.101 Definitions**

For the purposes of this Part, terms listed below will have the meanings attributed to them in this Section. As used in this Part, all terms not defined in this Section will have the meaning given them by the Act; the CAA, incorporated by reference in Section 243.108; or 35 Ill. Adm. Code 201.102.

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

"Clean Air Act" or "CAA" means the federal Clean Air Act (42 USC 7401 et seq., as amended), incorporated by reference in Section 243.108.

"Exceedance of a NAAQS" means one occurrence of a measured or modeled concentration that exceeds the specified concentration level of ~~that such~~ NAAQS for the averaging period specified by the standard.

"Exceptional event" means an event and its resulting emissions that fulfills all of the following criteria:

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The event affects air quality in such a way that there exists a clear causal relationship between the specific event and the monitored exceedance or violation;

The event is not reasonably controllable or preventable;

The event is caused by human activity that is unlikely to recur at a particular location or a natural event; and

The event is determined by USEPA in accordance with 40 CFR 50.14 to be an exceptional event.

An "exceptional event" does not include any of the following:

Air pollution relating to source noncompliance;

Stagnation of air masses ~~and/or~~ meteorological inversions;

A meteorological event involving high temperatures or lack of precipitation (i.e., severe, extreme or exceptional drought).; ~~or~~

~~Air pollution relating to source noncompliance.~~

BOARD NOTE: Stagnation of air masses, meteorological inversions, and meteorological events involving high temperatures or lack of precipitation do not directly cause pollutant emissions and are not exceptional events. However, conditions involving high temperatures or lack of precipitation may promote occurrences of particular types of exceptional events, such as wildfires or high wind events, which do directly cause emissions.

"Federal equivalent method" or "FEM" means a method for measuring the concentration of an air pollutant in the ambient air that USEPA has designated as an equivalent method pursuant to 40 CFR 53 and which is included in the List of Designated Methods, including later updates, as incorporated by reference in Section 243.108; the term "federal equivalent method" does not include a method for which USEPA has cancelled or superseded an equivalent method designation in accordance with 40 CFR 53.11 or 53.16, as reflected in the incorporation by reference in Section 243.108.

BOARD NOTE: Derived from 40 CFR 50.1(f) (definition of "equivalent method"), 50.11(d)(2) (parenthetical definition of "FEM"), and 53.1 (definition of

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"federal equivalent method"). The clause "including later updates" in this definition is intended to exclude methods canceled by USEPA pursuant to 40 CFR 53.11 or 53.16 for which the cancellation is included in the updates to List of Designated Methods incorporated by reference in Section 243.108. A federal designation of an FEM becomes effective upon publication of a notice in the Federal Register. A federal cancellation of an FEM becomes effective upon deletion from the listing of FEMs.

"Federal land manager" means the Secretary of the department with authority over the federal Class I area (or the Secretary's designee).

BOARD NOTE: See 40 CFR 50.1(r) and 51.301 (2016) (definitions of "federal land manager"). There are no federal Class I areas in or immediately abutting Illinois. See subpart D of 40 CFR 81 (2016).

"Federal reference method" or "FRM" means a method of sampling and analyzing the ambient air for an air pollutant that USEPA has specified as a reference method in an appendix to 40 CFR 50, incorporated by reference in Section 243.108, or a method that USEPA has designated as a reference method pursuant to 40 CFR 53 and which is included in List of Designated Methods, including later updates, incorporated by reference in Section 243.108; the term "federal reference method" does not include a method for which USEPA has cancelled or superseded a reference method designation in accordance with 40 CFR 53.11 or 53.16, as reflected in the incorporation by reference in Section 243.108.

BOARD NOTE: Derived from 40 CFR 50.1(f) (definition of "reference method") and 53.1 (definition of "federal reference method"). The clause "including later updates" in this definition is intended to include methods canceled by USEPA pursuant to 40 CFR 53.11 or 53.16 for which the cancellation is included in the updates to List of Designated Methods incorporated by reference in Section 243.108. A federal designation of an FRM becomes effective upon publication of a notice in the Federal Register. A federal cancellation of an FRM becomes effective upon deletion from the listing of FRMs or from an appendix to 40 CFR 50.

"High wind dust event" is an event that includes the high-speed wind and the dust that the wind entrains and transports to a monitoring site.

"High wind threshold" is the minimum wind speed capable of causing particulate matter emissions from natural undisturbed lands in the area affected by a high wind dust event.

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"Micrograms per cubic meter" or " $\mu\text{g}/\text{m}^3$ " means one millionth ( $10^{-6}$ ) of a gram of a contaminant per cubic meter of ambient air, as measured and determined by the methods prescribed for that contaminant.

BOARD NOTE: The Board added this definition and that for "milligrams per liter" ~~(immediately below)~~.

"Milligrams per cubic meter" or " $\text{mg}/\text{m}^3$ " means one thousandth ( $10^{-3}$ ) of a gram of a contaminant per cubic meter of ambient air, as measured and determined by the methods prescribed for that contaminant.

"National Ambient Air Quality Standard" or "NAAQS" means a standard established by USEPA that applies for outdoor air throughout the United States. BOARD NOTE: The Board added this definition, derived from the definition in "Terms of Environment: Glossary, Abbreviations, and Acronyms" (December 1997), EPA 175-B-97-001, at p. 30. USEPA has codified the NAAQS at 40 CFR 50.

BOARD NOTE: The Board added this definition based on the definition in "Terms of Environment: Glossary, Abbreviations, and Acronyms" (December 1997), document number EPA 175-B-97-001, USEPA, Office of Communications, Education, and Public Affairs, at p. 30.

"Natural event" means an event and its resulting emissions, which may recur at the same location, in which human activity plays little or no direct causal role. For purposes of this definition, anthropogenic sources that are reasonably controlled are not human activity that plays a direct causal role in causing emissions.

"Parts per billion" or "ppb" means the ratio of the parts of a specified contaminant to a billion parts of air by weight ( $1:10^{-9}$ ), as measured and determined by the methods prescribed for that contaminant.

BOARD NOTE: The Board added this definition and that for "parts per million," derived from the parentheticals in 40 CFR 50.4(a) and (b) and 50.17(a) and the definition of "parts per billion (ppb)/parts per million (ppm)" in "Terms of Environment: Glossary, Abbreviations, and Acronyms" (December 1997), EPA 175-B-97-001, at p. 34.

"Parts per million" or "ppm" means the ratio of the parts of a specified contaminant to a million parts of air by weight ( $1:10^{-6}$ ), as measured and determined by the methods prescribed for that contaminant.

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BOARD NOTE: The Board added this definition, derived from the parentheticals in 40 CFR 50.4(a) and (b) and 50.17(a) and the definition of "parts per billion (ppb)/parts per million (ppm)" in "Terms of Environment: Glossary, Abbreviations, and Acronyms" (December 1997), EPA 175-B-97-001, at p. 34.

"PM<sub>10</sub>" means particulate matter that has an aerodynamic diameter less than or equal to a nominal 10 micrometers (µm).

BOARD NOTE: The Board added this definition, derived from the parenthetical definition in 40 CFR 50.6(c).

"PM<sub>2.5</sub>" means particulate matter that has an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (µm).

BOARD NOTE: The Board added this definition, derived from the parenthetical definition in 40 CFR 50.7(a).

"Prescribed fire" is any fire intentionally ignited by management actions in accordance with applicable laws, policies, and regulations to meet specific land or resource management objectives.

"Traceable" means that a local standard has been compared and certified either directly or via not more than one intermediate standard, to a primary standard, such as a National Bureau of Standards Standard Reference Material (NBS SRM), or a USEPA/NBS-approved Certified Reference Material (CRM).

"USEPA" means the United States Environmental Protection Agency.

BOARD NOTE: Derived from 40 CFR 50.1(c). The Board has used "USEPA" in text where USEPA has used "Administrator," where action by USEPA is clearly contemplated. Otherwise, the Board has retained the term "Agency" as defined in this Section.

"Wildfire" is any fire started by an unplanned ignition caused by lightning; volcanoes; other acts of nature; unauthorized activity; or accidental, human-caused actions, or a prescribed fire that has developed into a wildfire. A wildfire that predominantly occurs on wildland is a natural event.

"Wildland" means an area in which human activity and development are essentially non-existent, except for roads, railroads, power lines, and similar transportation facilities. Structures, if any, are widely scattered.

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BOARD NOTE: Derived from 40 CFR 50.1 ~~(2016)~~(2012), except as otherwise more specifically indicated.

(Source: Amended at 41 Ill. Reg. 13413, effective October 23, 2017)

**Section 243.105 Air Quality Monitoring Data Influenced by Exceptional Events**

- a) The federal regulations at 40 CFR 50.14 provide that a state, federal land manager, or federal agency can seek USEPA determination that exceedances or violations of an NAAQS are directly due to an exceptional event, so that the State can exclude affected ambient air quality monitoring data from a compliance determination. An exceptional event is a natural event or the result of human activity that is unlikely to recur and which is not reasonably controllable or preventable that meets specified criteria. The federal rule provides that a fireworks display, a prescribed fire, a wildfire, a high wind dust event, a stratospheric intrusion, or an aggregate of events on the same day can be an exceptional event.~~Requirements.~~
- 1) ~~The Agency may request USEPA to exclude from use in determinations data showing an exceedance of an NAAQS that is directly due to an exceptional event. The Agency must demonstrate to USEPA that the event caused a specific air pollution concentration at a particular air quality monitoring location.~~
  - 2) ~~A demonstration to justify data exclusion may include any reliable and accurate data, but must demonstrate a clear causal relationship between the measured exceedance of an NAAQS and the event in accordance with subsection (c)(3)(D).~~
- b) The Agency must use the applicable procedures of 40 CFR 50.14 to obtain a USEPA determination of an exceptional event and exclusion of affected ambient air quality monitoring data if the Agency determines that the data are influenced by an exceptional event and should be excluded from a compliance determinaton.~~Determinations by USEPA. USEPA has stated the criteria for making a determination to exclude data as follow:~~
- 1) ~~Exceptional Events. USEPA has stated that it will exclude data from use in determinations of exceedance of an NAAQS when the Agency has demonstrated that an exceptional event caused a specific air pollution~~

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~~concentration in excess of one or more NAAQS at a particular air quality monitoring location, and the Agency otherwise satisfies the requirements of 40 CFR 50.14.~~

- 2) ~~Fireworks Displays. USEPA has stated that it will exclude data from use in determinations of exceedance of an NAAQS when the Agency has demonstrated that emissions from fireworks displays caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location, and the State otherwise satisfies the requirements of 40 CFR 50.14. USEPA has stated that these data will be treated in the same manner as exceptional events under this Section, provided the Agency has demonstrated that the use of fireworks is significantly integral to traditional national, ethnic, or other cultural events, including, but not limited to July Fourth celebrations, which satisfy the requirements of 40 CFR 50.14.~~
- 3) ~~Prescribed Fires. USEPA has stated that it will exclude data from use in determinations of exceedance of an NAAQS when the Agency has demonstrated that emissions from prescribed fires caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location, and the Agency otherwise satisfies the requirements of 40 CFR 50.14, provided that the emissions are from prescribed fires that USEPA determines meets the definition of "exceptional event" in Section 243.101, and provided that the Agency has certified to USEPA that the State has adopted and is implementing a Smoke Management Program (SMP) or the State has ensured that the burner employed basic smoke management practices. If an exceptional event occurs using the basic smoke management practices approach, the Agency must undertake a review of the State's approach to ensure public health is being protected and must include consideration of development of an SMP.~~

~~BOARD NOTE: In each of corresponding 40 CFR 50.14(b)(1), (b)(2), and (b)(3), USEPA stated "EPA shall exclude data from use in determinations of exceedances and NAAQS violations." In the first person, "shall" is used more to express present intent or to commit to future action. The Board has changed "EPA shall" to "USEPA has stated that it will." Further, the Board has relied on the defined term "exceedance of an NAAQS."~~

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- c) Ambient air quality monitoring data excluded by a USEPA determination pursuant to 40 CFR 50.14 is excluded from use for compliance determination under this Part, Schedules and Procedures.
- 1) ~~Public Notification. The Agency or, where the Agency has delegated authority pursuant to Section 4(g) or (r) of the Act, the Agency's delegatee, must notify the public promptly whenever an event occurs or is reasonably anticipated to occur that may result in the exceedance of an NAAQS.~~
  - 2) ~~Flagging of Data.~~
    - A) ~~The Agency must notify USEPA of the State's intent to exclude one or more measured exceedances of an NAAQS as being due to an exceptional event by placing a flag in the appropriate field for the data record of concern that has been submitted to the federal air quality system (AQS) database.~~
    - B) ~~Flags placed on data in accordance with this Section must be deemed informational only, and the data must not be excluded from determinations with respect to an exceedance of an NAAQS unless and until USEPA notifies the Agency of USEPA concurrence following the Agency's submittal of a demonstration pursuant to subsection (c)(3) by placing a concurrence flag in the appropriate field for the data record in the AQS database.~~
    - C) ~~Flags placed on data as being due to an exceptional event, together with an initial description of the event, must be submitted to USEPA not later than July 1 of the calendar year following the year in which the flagged measurement occurred, except as allowed under subsection (c)(2)(F).~~
    - D) ~~This subsection (c)(2)(D) corresponds with 40 CFR 50.14(c)(2)(iv), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the federal regulations.~~
    - E) ~~This subsection (c)(2)(E) corresponds with 40 CFR 50.14(c)(2)(v), which USEPA has removed and marked "reserved." This~~

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~~statement maintains structural consistency with the federal regulations.~~

- F) ~~Table A of this Part identifies the data submission process for a new or revised NAAQS. USEPA will apply this process to those data that will or may influence the initial designation of areas for any new or revised NAAQS.~~
- 3) ~~Submission of demonstrations.~~
- A) ~~Except as allowed under subsection (e)(2)(F), when the Agency has flagged data as being due to an exceptional event and is requesting exclusion of the affected measurement data, the Agency must, after notice and opportunity for public comment, submit a demonstration to USEPA to justify data exclusion not later than the sooner of three years following the end of the calendar quarter in which the flagged concentration was recorded or 12 months prior to the date that a regulatory decision must be made by USEPA. The Agency must submit to USEPA the public comments it received, along with its demonstration.~~
- B) ~~This subsection (e)(3)(B) corresponds with 40 CFR 50.14(b)(3)(ii), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the federal regulations.~~
- C) ~~This subsection (e)(3)(C) corresponds with 40 CFR 50.14(b)(3)(iii), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the federal regulations.~~
- D) ~~The demonstration to justify data exclusion must provide the following evidence:~~
- i) ~~That the event satisfies the definition of "exceptional event" set forth in Section 243.101;~~

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- ii) ~~That there is a clear causal relationship between the measurement under consideration and the event that is claimed to have affected the air quality in the area;~~
  - iii) ~~That the event is associated with a measured concentration in excess of normal historical fluctuations, including background; and~~
  - iv) ~~That there would have been no exceedance or violation but for the event.~~
- E) ~~With the submission of the demonstration, the Agency must document that the public comment process was followed.~~

BOARD NOTE: Derived from 40 CFR 50.14 ~~(2016)(2015)~~.

(Source: Amended at 41 Ill. Reg. 13413, effective October 23, 2017)

**Section 243.108 Incorporations by Reference**

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions:

Government Printing Office (GPO), 732 Capitol Street NW, Washington, DC 20401 (telephone: 202-512-1800 or 866-512-1800; website: [www.gpo.gov](http://www.gpo.gov)). The following documents incorporated by reference are available from this source:

Appendix A-1 to 40 CFR 50 (2016) (Reference Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere (Ultraviolet Fluorescence Method)), referenced in Section 243.122.

Appendix A-2 to 40 CFR 50 (2016) (Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)), referenced in Section 243.122.

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Appendix B to 40 CFR 50 (2016) (Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)), referenced in appendix G to 40 CFR 50 (see below).

Appendix C to 40 CFR 50 (2016) (Reference Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)), referenced in Section 243.123.

Appendix D to 40 CFR 50 (2016) (Reference Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere), referenced in Section 243.125.

Appendix F to 40 CFR 50 (2016) (Reference Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)), referenced in Section 243.124.

Appendix G to 40 CFR 50 (2016) (Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air), referenced in Section 243.126.

Appendix H to 40 CFR 50 (2016) (Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix I to 40 CFR 50 (2016) (Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix J to 40 CFR 50 (2016) (Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere), referenced in Section 243.120.

Appendix K to 40 CFR 50 (2016) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

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Appendix L to 40 CFR 50 (2016) (Reference Method for the Determination of Fine Particulate Matter as PM<sub>2.5</sub> in the Atmosphere), referenced in Section 243.120.

Appendix N to 40 CFR 50 (2016), [as amended at 82 Fed. Reg. 14325 \(Mar. 20, 2017\)](#) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter), referenced in Section 243.120.

Appendix O to 40 CFR 50 (2016) (Reference Method for the Determination of Coarse Particulate Matter as PM<sub>10-2.5</sub> in the Atmosphere), referenced in appendix Q to 40 CFR 50 and for use in federally required monitoring by the NCore system pursuant to 40 CFR 58.

Appendix P to 40 CFR 50 (2016) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Appendix Q to 40 CFR 50 (2016) (Reference Method for the Determination of Lead in Particulate Matter as PM<sub>10</sub> Collected from Ambient Air), referenced in appendix R to 40 CFR 50.

Appendix R to 40 CFR 50 (2016) (Interpretation of the National Ambient Air Quality Standards for Lead), referenced in Section 243.126.

Appendix S to 40 CFR 50 (2016) (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (Nitrogen Dioxide)), referenced in Section 243.124.

Appendix T to 40 CFR 50 (2016) (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur (Sulfur Dioxide)), referenced in Section 243.122.

Appendix U to 40 CFR 50 (2016) (Interpretation of the Primary National Ambient Air Quality Standards for Ozone), referenced in Section 243.125.

Clean Air Act, 42 USC 7401 et seq. (2013) (for definitions of terms only), referenced in Section 243.102.

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BOARD NOTE: Segments of the Code of Federal Regulations and the United States Code are available for free download as PDF documents from the GPO FDsys website: <http://www.gpo.gov/fdsys/>.

USEPA, National Exposure Research Laboratory, Human Exposure & Atmospheric Sciences Division (MD-D205-03), Research Triangle Park, NC 27711. The following documents incorporated by reference are available from this source:

"List of Designated Reference and Equivalent Methods" ([June 16, 2017](#))~~(June 17, 2016)~~ (referred to as the "List of Designated Methods" and referenced in Sections 243.101, 243.120, 243.122, 243.123, 243.124, 243.125, and 243.126.

~~This incorporation by reference includes the following USEPA methods designations that occurred after June 17, 2016:~~

~~81 Fed. Reg. 45284 (July 13, 2016).~~

BOARD NOTE: The List of Designated Methods is available for free download as a PDF document from the USEPA, Technology Transfer, Ambient Monitoring Technology Information Center website: <http://www.epa.gov/ttn/amtic/criteria.html>.

(Source: Amended at 41 Ill. Reg. 13413, effective October 23, 2017)

## SUBPART B: STANDARDS AND MEASUREMENT METHODS

**Section 243.120 PM<sub>10</sub> and PM<sub>2.5</sub>**

- a) 1987 Primary and Secondary 24-Hour NAAQS for PM<sub>10</sub>.
  - 1) The level of the 1987 primary and secondary 24-hour NAAQS for PM<sub>10</sub> is 150 µg/m<sup>3</sup>, 24-hour average concentration. The 1987 primary and secondary NAAQS for PM<sub>10</sub> is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup>, as determined in accordance with appendix K to 40 CFR 50, incorporated by reference in Section 243.108, is equal to or less than one.

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- 2) This subsection (a)(2) corresponds with 40 CFR 50.6(b), a provision marked "reserved" by USEPA. This statement maintains structural consistency with the corresponding federal regulation.
- 3) For the purpose of determining attainment of the 1987 primary and secondary 24-hour NAAQS for PM<sub>10</sub>, particulate matter must be measured in the ambient air as PM<sub>10</sub> by a method that fulfills either of the following requirements:
  - A) An FRM based on appendix J to 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108; or
  - B) An FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.

BOARD NOTE: This subsection (a) is derived from 40 CFR 50.6 ~~(2015)~~(2016). USEPA adopted 1997 primary NAAQS for PM<sub>10</sub> at 62 Fed. Reg. 38652 (July 18, 1997). As a result of a judicial vacatur, USEPA later removed the transitional provision relative to the 1987 NAAQS at 65 Fed. Reg. 80776 (Dec. 22, 2000) and the 1997 NAAQS at 69 Fed. Reg. 45595 (July 30, 2004). Thus, the 1987 primary and secondary NAAQS for PM<sub>10</sub> are included in this subsection (a).

- b) 1997 Primary and Secondary Annual Average and 24-Hour NAAQS for PM<sub>2.5</sub>.
  - 1) The 1997 primary and secondary annual average NAAQS for PM<sub>2.5</sub> is 15.0 µg/m<sup>3</sup>, annual arithmetic mean concentration, and the 1997 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is 65 µg/m<sup>3</sup>, 24-hour average concentration, measured in the ambient air as PM<sub>2.5</sub> by a method that fulfills either of the following requirements:
    - A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or

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- B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 1997 primary and secondary annual average NAAQS for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 µg/m<sup>3</sup>.
- 3) The 1997 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98<sup>th</sup> percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 65 µg/m<sup>3</sup>.
- 4) The primary annual PM<sub>2.5</sub> NAAQS in this subsection (b) does not apply in any area of Illinois except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County. The primary NAAQS for PM<sub>2.5</sub> in this subsection (b) will no longer apply in any area of Illinois after USEPA has redesignated that area as attainment for that standard. The 1997 secondary annual NAAQS for PM<sub>2.5</sub> and the 1997 24-hour PM<sub>2.5</sub> NAAQS in this subsection (b) remain applicable.

BOARD NOTE: This subsection (b) is derived from 40 CFR 50.7 (2016) and 40 CFR 50.13(d), as added at 82 Fed. Reg. 14325 (Mar. 20, 2017)(2015). The Board added the revocation clause of 40 CFR 50.13(d) as both subsections (b)(4) and (c)(4), even though USEPA did not add the text to corresponding 40 CFR 50.7. The 2006 primary and secondary annual average and 24-hour NAAQS for PM<sub>2.5</sub> differs from the 1997 standards in that the 24-hour average concentration required by the 2006 standard is substantially lower (more stringent) than that for the 1997 standard. The Board has retained the 1997 standard in this subsection (b) because USEPA has retained the 1997 standard in 40 CFR 50.6.

- c) 2006 Primary and Secondary Annual Average and 24-Hour NAAQS for PM<sub>2.5</sub>.
- 1) The 2006 primary and secondary annual average NAAQS for PM<sub>2.5</sub> is 15.0 µg/m<sup>3</sup>, annual arithmetic mean concentration, and the 2006 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is 35 µg/m<sup>3</sup>, 24-hour average concentration, measured in the ambient air as PM<sub>2.5</sub> by a method that fulfills either of the following requirements:

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- A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108; or
- B) An FEM designated by USEPA and listed in the List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 2006 primary and secondary annual average NAAQS for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 15.0 µg/m<sup>3</sup>.
- 3) The 2006 primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98<sup>th</sup> percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 35 µg/m<sup>3</sup>.
- 4) The 1997 primary annual PM<sub>2.5</sub> NAAQS in this subsection (c) does not apply in any area of Illinois except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County. The primary annual PM<sub>2.5</sub> NAAQS in this subsection (c) will no longer apply in any area of Illinois after USEPA has redesignated that area as attainment for that standard. The secondary annual PM<sub>2.5</sub> NAAQS in this subsection © remains applicable.

BOARD NOTE: USEPA has codified the area designations for Illinois in 40 CFR 81.314. All areas of Illinois were designated attainment or unclassifiable/attainment except Madison, Monroe, and St. Clair Counties and the Baldwin Village area of Randolph County.

BOARD NOTE: The primary and secondary annual average NAAQS for PM<sub>2.5</sub> in this subsection (c) is the 1997 primary annual average NAAQS for PM<sub>2.5</sub>. USEPA retained the standard and included it with the 2006 standard in corresponding 40 CFR 50.13. See 71 Fed. Reg. 61144, 61176 (Oct. 17, 2006). This subsection (c) is derived from 40 CFR 50.13 (2016)(2015).

- d) 2012 Primary Annual Average and 24-Hour NAAQS for PM<sub>2.5</sub>

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) The 2012 primary annual average NAAQS for PM<sub>2.5</sub> is 12.0 µg/m<sup>3</sup> annual arithmetic mean concentration, and the 2012 primary 24-hour NAAQS for PM<sub>2.5</sub> is 35 µg/m<sup>3</sup> 24-hour average concentration, measured in the ambient air as PM<sub>2.5</sub> by a method that fulfills either of the following requirements:
  - A) An FRM based on appendix L of 40 CFR 50, incorporated by reference in Section 243.108, and designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108; or
  - B) An FEM designated by USEPA and listed in List of Designated Methods, incorporated by reference in Section 243.108.
- 2) The 2012 primary annual NAAQS for PM<sub>2.5</sub> is met when the annual arithmetic mean concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 12.0 µg/m<sup>3</sup>.
- 3) The 2012 primary 24-hour NAAQS for PM<sub>2.5</sub> is met when the 98<sup>th</sup> percentile 24-hour concentration, as determined in accordance with appendix N of 40 CFR 50, incorporated by reference in Section 243.108, is less than or equal to 35 µg/m<sup>3</sup>.

BOARD NOTE: This subsection (d) is derived from 40 CFR 50.18 [\(2016\)](#)~~(2015)~~.

(Source: Amended at 41 Ill. Reg. 13413, effective October 23, 2017)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

**Section 243. TABLE A Schedule for Flagging and Documentation Submission for Data Influenced by Exceptional Events for Use in Initial Area Designations (Repealed)**

<del>Exceptional events/regulatory action</del>	<del>Exceptional events deadline schedule<sup>d</sup></del>
<del>Flagging and initial event description deadline for data years one, two, and three.<sup>a</sup></del>	<del>If State initial designation recommendations for a new or revised NAAQS are due August through January, then the flagging and initial event description deadline will be the July 1 prior to the recommendation deadline. If State recommendations for a new or revised NAAQS are due February through July, then the flagging and initial event description deadline will be the January 1 prior to the recommendation deadline.</del>
<del>Exceptional events demonstration submittal deadline for data years one, two, and three.<sup>a</sup></del>	<del>No later than the date that State recommendations are due to USEPA.</del>
<del>Flagging, initial event description and exceptional events demonstration submittal deadline for data year four<sup>b</sup> and, where applicable, data year five.<sup>c</sup></del>	<del>By the last day of the month that is one year and seven months after promulgation of a new or revised NAAQS, unless either option a or b applies.</del>
a:	<del>Where data years one, two, and three are those years expected to be considered in State recommendations.</del>
	<del>a. If USEPA follows a three-year designation schedule, the deadline is two years and seven months after promulgation of a new or revised NAAQS.</del>  <del>b. If USEPA notifies the State that it intends to complete the initial area designations process according to a schedule between two and three years, the deadline is five months prior to the date specified for final designations decisions in such USEPA notification.</del>

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- b. ~~Where data year four is the additional year of data that USEPA may consider when it makes final area designations for a new or revised NAAQS under the standard designations schedule.~~
- e. ~~Where data year five is the additional year of data that USEPA may consider when it makes final area designations for a new or revised NAAQS under an extended designations schedule.~~
- d. ~~The date by which air agencies must certify their ambient air quality monitoring data in AQS is annually on May 1 of the year following the year of data collection, as specified in 40 CFR 58.15(a)(2). In some cases, however, the State may choose to certify a prior year's data in advance of May 1 of the following year, particularly if USEPA has indicated its intent to promulgate final designations in the first eight months of the calendar year. Data flagging, initial event description and exceptional events demonstration deadlines for "early certified" data will follow the deadlines for "year four" and "year five" data.~~

~~BOARD NOTE: Derived from table 1 to 40 CFR 50.14(c).~~

(Source: Repealed at 41 Ill. Reg. 13413, effective October 23, 2017)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF WITHDRAWAL OF PROPOSED REPEALER

- 1) Heading of the Part: Minimum Safety Standards for Construction of Type I School Buses
- 2) Code Citation: 92 Ill. Adm. Code 440
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
440.10	Repealed
440.20	Repealed
440.30	Repealed
440.110	Repealed
440.120	Repealed
440.130	Repealed
440.140	Repealed
440.150	Repealed
440.160	Repealed
440.205	Repealed
440.210	Repealed
440.220	Repealed
440.305	Repealed
440.310	Repealed
440.320	Repealed
440.405	Repealed
440.420	Repealed
440.505	Repealed
440.520	Repealed
440.ILLUSTRATION B	Repealed
440.ILLUSTRATION C	Repealed
- 4) Date Notice of Proposed Repealer published in the *Illinois Register*: 41 Ill. Reg. 10751; August 25, 2017
- 5) Reason for the Withdrawal: This repealer was one of two rulemakings that were to repeal and replace this Part. The Department is withdrawing the rulemaking that was to replace this repealer and therefore must also withdraw this rulemaking.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 1) Heading of the Part: Construction Standards for School Buses
- 2) Code Citation: 92 Ill. Adm. Code 440
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
440.1000	New Section
440.2000	New Section
440.3000	New Section
440.4000	New Section
440.5000	New Section
- 4) Date Notice of Proposed Rulemaking published in the *Illinois Register*: 41 Ill. Reg. 10800; August 25, 2017
- 5) Reason for the Withdrawal: During the first notice period, the Department identified the need to make substantive changes to this rulemaking. In order to allow the public to have a full opportunity to comment on the substantive changes, the Department is withdrawing this rulemaking and will refile at a later date.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF WITHDRAWAL OF PROPOSED REPEALER

- 1) Heading of the Part: Minimum Safety Standards for Construction of Type II School Buses
- 2) Code Citation: 92 Ill. Adm. Code 442
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
442.110	Repealed
442.120	Repealed
442.130	Repealed
442.205	Repealed
442.208	Repealed
442.210	Repealed
442.213	Repealed
442.214	Repealed
442.215	Repealed
442.216	Repealed
442.218	Repealed
442.220	Repealed
442.230	Repealed
442.235	Repealed
442.240	Repealed
442.245	Repealed
442.250	Repealed
442.253	Repealed
442.255	Repealed
442.258	Repealed
442.259	Repealed
442.260	Repealed
442.265	Repealed
442.270	Repealed
442.275	Repealed
442.285	Repealed
442.290	Repealed
442.295	Repealed
442.300	Repealed
442.305	Repealed
442.310	Repealed
442.315	Repealed
442.320	Repealed

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF WITHDRAWAL OF PROPOSED REPEALER

442.325	Repealed
442.405	Repealed
442.410	Repealed
442.415	Repealed
442.420	Repealed
442.425	Repealed
442.430	Repealed
442.435	Repealed
442.440	Repealed
442.445	Repealed
442.450	Repealed
442.455	Repealed
442.460	Repealed
442.465	Repealed
442.470	Repealed
442.475	Repealed
442.480	Repealed
442.485	Repealed
442.490	Repealed
442.495	Repealed
442.605	Repealed
442.610	Repealed
442.615	Repealed
442.620	Repealed
442.705	Repealed
442.710	Repealed
442.715	Repealed
442.APPENDIX E	Repealed

- 4) Date Notice of Proposed Repealer published in the *Illinois Register*: 41 Ill. Reg. 10838; August 25, 2017
- 5) Reason for the Withdrawal: The Department originally proposed this repealer in connection with a proposed change to 92 Ill. Adm. Code 440 which would have incorporated the regulations of this Part. The Department is withdrawing the proposed changes to Part 440 which necessitates the withdrawal of this repealer until a new rulemaking regarding Part 440 is filed and adopted.

## HEALTH FACILITIES AND SERVICES REVIEW BOARD

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Narrative and Planning Policies
- 2) Code Citation: 77 Ill. Adm. Code 1100
- 3) Register Citation to Notice of Proposed Amendments: 41 Ill. Reg. 5900; June 2, 2017
- 4) Date, Time and Location of Public Hearing: The public hearing will be held on November 9, 2017 at 10:00 a.m. via videoconference at:

James R. Thompson Center  
100 West Randolph Street, Room 2-025  
Chicago IL 60601

and

Department of Natural Resources  
1 Natural Resources Way  
Room 1 (DPH Meeting Room)  
Springfield IL 62761

- 5) Other Pertinent Information: The Board requests that commenters participating at a public hearing submit their testimony in writing. Commenters participating at the Springfield site must park in Lot 21 of the Illinois State Fairgrounds. Please visit [www.hfsrb.illinois.gov](http://www.hfsrb.illinois.gov) for more information.

## HEALTH FACILITIES AND SERVICES REVIEW BOARD

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Long-Term Care
- 2) Code Citation: 77 Ill. Adm. Code 1125
- 3) Register Citation to Notice of Proposed Amendments: 41 Ill. Reg. 6304; June 2, 2017
- 4) Date, Time and Location of Public Hearing: The public hearing will be held on November 9, 2017 at 10:00 a.m. via videoconference at:

James R. Thompson Center  
100 West Randolph Street, Room 2-025  
Chicago IL 60601

and

Department of Natural Resources  
1 Natural Resources Way  
Room 1 (DPH Meeting Room)  
Springfield IL 62761

- 5) Other Pertinent Information: The Board requests that commenters participating at a public hearing submit their testimony in writing. Commenters participating at the Springfield site must park in Lot 21 of the Illinois State Fairgrounds. Please visit [www.hfsrb.illinois.gov](http://www.hfsrb.illinois.gov) for more information.

## HEALTH FACILITIES AND SERVICES REVIEW BOARD

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Processing, Classification Policies and Review Criteria
- 2) Code Citation: 77 Ill. Adm. Code 1110
- 3) Register Citation to Notice of Proposed Rules: 41 Ill. Reg. 6140; June 2, 2017
- 4) Date, Time and Location of Public Hearing: The public hearing will be held on November 9, 2017 at 10:00 a.m. via videoconference at:

James R. Thompson Center  
100 West Randolph Street, Room 2-025  
Chicago IL 60601

and

Department of Natural Resources  
1 Natural Resources Way  
Room 1 (DPH Meeting Room)  
Springfield IL 62761

- 5) Other Pertinent Information: The Board requests that commenters participating at a public hearing submit their testimony in writing. Commenters participating at the Springfield site must park in Lot 21 of the Illinois State Fairgrounds. Please visit [www.hfsrb.illinois.gov](http://www.hfsrb.illinois.gov) for more information.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Taxpayer Rights

Code Citation: 86 Ill. Adm. Code 205

Section Numbers: 205.10

Date Originally Published in the Illinois Register: 8/4/17  
41 Ill. Reg. 10328

At its meeting on October 17, 2017, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that the Department of Revenue be more timely in its implementation of statute in rule. The Public Act that repealed the position of Taxpayer Ombudsman, PA 87-860, was effective on July 1, 1992.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

## ILLINOIS DEPARTMENT OF TRANSPORTATION

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Hazardous Materials Transportation: General Information, Regulations and Definitions
- 2) Code Citation: 92 Ill. Adm. Code 171
- 3) The Notice of Proposed Amendments being corrected appeared at: 41 Ill. Reg. 12964, dated October 20, 2017.
- 4) The information being corrected is as follows:

This correction is being made because a description different from that which was submitted by Agency was previously published.

- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to rename this Part for consistency with 92 Ill. Adm. Code 390 which is the "general" Part in the Illinois Motor Carrier Safety Regulations. The Department is proposing to rename this Part "Hazardous Materials Transportation Regulations: General."

The Department is repealing Section 171.3, Hazardous Waste, which is now incorporated by reference in Section 171.1000.

At Section 171.13, the Department is replacing "imminent danger" with "imminent hazard" as defined in both the federal hazardous materials regulations as well as the Illinois hazardous materials transportation regulations. The intent of imminent danger and imminent hazard is the same.

At Section 171.17, the Department is replacing "exemption and exemptions" with "special permit or permits" per the federal final rule of December 9, 2005, 70 FR 73156.

At Section 171.22, the Department is renaming the Section to Agricultural Exceptions instead of Exception. There is more than one exception. The Department is reformatting and combining subsections (d), (e), and (f) to create one subsection.

The Department is proposing, at Section 171.1000, to update the incorporation by reference of 49 CFR 171 to the October 1, 2017, edition, which is the most recent edition of 49 CFR.

## ILLINOIS DEPARTMENT OF TRANSPORTATION

## NOTICE OF CORRECTION TO NOTICE ONLY

At Section 171.1000, the Department is also updating the Sections from 49 CFR 171 that are incorporated by reference into this Part. The Department is removing two Sections, 171.12a and 171.14, both of which are no longer sections in 49 CFR 171.

## ILLINOIS DEPARTMENT OF TRANSPORTATION

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Hazardous Materials Table and Hazardous Materials Communications
- 2) Code Citation: 92 Ill. Adm. Code 172
- 3) The Notice of Proposed Rules being corrected appeared at: 41 Ill. Reg. 12974, dated October 20, 2017
- 4) The information being corrected is as follows:

This correction is being made because a description different from that which was submitted by Agency was previously published.

- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing, at Section 172.2000, to update the incorporation by reference of 49 CFR 172 to the October 1, 2017 edition, which is the most recent edition of 49 CFR.

The Department is deleting Section 172.2000(b)(6) covering small arms ammunition. This deletion will make Illinois' hazardous materials transportation regulations compatible with the federal hazardous materials regulations. The Department will no longer treat small arms ammunition as a Class C Explosive. By deleting this Section, small arms ammunition will be considered an Other Regulated Material (ORM-D) just as it is in the federal hazardous materials regulations.

## ILLINOIS DEPARTMENT OF TRANSPORTATION

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Shippers General Requirements for Shipments and Packagings
- 2) Code Citation: 92 Ill. Adm. Code 173
- 3) The Notice of Proposed Amendment being corrected appeared at: 41 Ill. Reg. 12979, dated October 20, 2017
- 4) The information being corrected is as follows:

This correction is being made because a description different from that which was submitted by Agency was previously published.

- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing, at Section 173.3000, to update the incorporation by reference of 49 CFR 173 to the October 1, 2017 edition, which is the most recent edition of 49 CFR.

The Department is deleting Section 173.3000(b)(6) covering small arms ammunition. This deletion will make Illinois' hazardous materials transportation regulations compatible with the federal hazardous materials regulations. The Department will no longer treat small arms ammunition as a Class C Explosive. By deleting this Section, small arms ammunition will be considered an Other Regulated Material (ORM-D) just as it is in the federal hazardous materials regulations.

## ILLINOIS DEPARTMENT OF TRANSPORTATION

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Carriage by Public Highway
- 2) Code Citation: 92 Ill. Adm. Code 177
- 3) The Notice of Proposed Amendment being corrected appeared at: 41 Ill. Reg. 12986, dated October 20, 2017
- 4) The information being corrected is as follows:

This correction is being made because a description different from that which was submitted by Agency was previously published.

- 5) A Complete Description of the Subjects and Issues Involved: By this notice, the Department is proposing, at Section 177.2000, to update the incorporation by reference of 49 CFR 173 to the October 1, 2017 edition, which is the most recent edition of 49 CFR.

## ILLINOIS DEPARTMENT OF TRANSPORTATION

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Specifications for Packagings
- 2) Code Citation: 92 Ill. Adm. Code 178
- 3) The Notice of Proposed Amendment being corrected appeared at: 41 Ill. Reg. 13084, dated October 20, 2017
- 4) The information being corrected is as follows:

This correction is being made because a description different from that which was submitted by Agency was previously published.

- 5) A Complete Description of the Subjects and Issues Involved: The Department, at Part 178, is proposing to incorporate 49 CFR 178 through the October 1, 2017 edition, which is the most recent edition of 49 CFR.

## ILLINOIS DEPARTMENT OF TRANSPORTATION

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Specifications for Tank Cars
- 2) Code Citation: 92 Ill. Adm. Code 179
- 3) The Notice of Proposed Amendment being corrected appeared at: 41 Ill. Reg. 13088, dated October 20, 2017
- 4) The information being corrected is as follows:

This correction is being made because a description different from that which was submitted by Agency was previously published.

- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing, at Section 179.2000, to update the incorporation by reference of 49 CFR 179 to the October 1, 2017 edition, which is the most recent edition of 49 CFR.

At Section 179.2000(a), the Department is incorporating by reference subpart F to 49 CFR 179, Specification for Cryogenic Liquid Tank Car Tanks and Seamless Steel Tanks (Classes DOT-113 and 107A). This incorporation by reference is being done to accommodate the transportation of DOT-113 and DOT-107A intermodal containers.

## ILLINOIS DEPARTMENT OF TRANSPORTATION

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Continuing Qualification and Maintenance of Packaging
- 2) Code Citation: 92 Ill. Adm. Code 180
- 3) The Notice of Proposed Amendment being corrected appeared at: 41 Ill. Reg. 13093, dated October 20, 2017
- 4) The information being corrected is as follows:

This correction is being made because a description different from that which was submitted by Agency was previously published.

- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing, at Section 180.2000, to update the incorporation by reference of 49 CFR 180 to the October 1, 2017 edition, which is the most recent edition of 49 CFR.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM A-1  
SPRINGFIELD, ILLINOIS  
NOVEMBER 7, 2017  
10:30 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706*

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**Aging

89-240-17-03251 EMS

1. Community Care Program (89 Ill. Adm. Code 240)
  - First Notice Published: 41 Ill. Reg. 3251 – 3/24/17
  - Expiration of Second Notice: 12/2/17

Board of Examiners

23-1400-17-07699 MR

2. Certificate of Education and Examination Requirements (23 Ill. Adm. Code 1400)
  - First Notice Published: 41 Ill. Reg. 7699 – 7/7/17
  - Expiration of Second Notice: 11/15/17

Board of Higher Education

23-1009-17-07259 BT

3. Dual Credit Courses (23 Ill. Adm. Code 1009)
  - First Notice Published: 41 Ill. Reg. 7259 – 6/30/17
  - Expiration of Second Notice: 11/25/17

23-1030-17-07266 BT

4. Program Review (Private Colleges and Universities) (23 Ill. Adm. Code 1030)
  - First Notice Published: 41 Ill. Reg. 7266 – 6/30/17
  - Expiration of Second Notice: 11/25/17

23-1050-17-07319 BT

5. Approval of New Units of Instruction, Research and Public Service at Public Institutions (23 Ill. Adm. Code 1050)
  - First Notice Published: 41 Ill. Reg. 7319 – 6/30/17
  - Expiration of Second Notice: 11/25/17

23-1095-17-07349 BT

6. Private Business and Vocational Schools (23 Ill. Adm. Code 1095)
  - First Notice Published: 41 Ill. Reg. 7349 – 6/30/17
  - Expiration of Second Notice: 12/2/17

Children and Family Services

89-302-17-02709 EMS

7. Services Delivered by the Department of Children and Family Services (89 Ill. Adm. Code 302)
  - First Notice Published: 41 Ill. Reg. 2709 – 3/3/17
  - Expiration of Second Notice: 11/24/17

89-336-16-16013 EMS

8. Appeal of Child Abuse and Neglect Investigation Findings (89 Ill. Adm. Code 336)
  - First Notice Published: 40 Ill. Reg. 16013 – 12/9/16
  - Expiration of Second Notice: 11/24/17

Health Facilities and Services Review Board

77-1235-17-06317 AC

9. Health Care Worker Self-Referral (77 Ill. Adm. Code 1235)
  - First Notice Published: 41 Ill. Reg. 6317 – 6/2/17
  - Expiration of Second Notice: 12/1/17

Professional Regulation

38-360-17-07385 MR

10. Licensing and Regulation of Pawnbrokers (38 Ill. Adm. Code 360)
  - First Notice Published: 41 Ill. Reg. 7385 – 6/30/17
  - Expiration of Second Notice: 11/19/17

38-375-17-07398 MR

11. Calculation, Assessment and Collection of Periodic Fees (38 Ill. Adm. Code 375)
  - First Notice Published: 41 Ill. Reg. 7398 – 6/30/17
  - Expiration of Second Notice: 11/19/17

Secretary of State

71-2005-17-00001 MR

12. Public Use of the Capitol Complex and Springfield Facilities (71 Ill. Adm. Code 2005)
  - First Notice Published: 41 Ill. Reg. 00001 – 1/6/17
  - Expiration of Second Notice: 11/17/17

92-1003-17-00016 EAD

13. Collection of Fees (92 Ill. Adm. Code 1003)
  - First Notice Published: 41 Ill. Reg. 00016 – 1/6/17
  - Expiration of Second Notice: 11/17/17

92-1010-17-00025 MR

14. Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)
  - First Notice Published: 41 Ill. Reg. 00025 – 1/6/17
  - Expiration of Second Notice: 11/18/17

92-1019-17-00036

15. Remittance Agents (92 Ill. Adm. Code 1019)
  - First Notice Published: 41 Ill. Reg. 00036 – 1/6/17
  - Expiration of Second Notice: 11/17/17

92-1040-17-00047 EAD

16. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)
  - First Notice Published: 41 Ill. Reg. 47 – 1/6/17
  - Expiration of Second Notice: 11/17/17

State Toll Highway Authority

92-2520-17-11225 EAD

17. State Toll Highway Rules (92 Ill. Adm. Code 2520)  
-First Notice Published: 41 Ill. Reg. 11225 – 9/8/17  
-Expiration of Second Notice: 12/8/17

State University Retirement Systems

80-1600-17-10237 MR

18. Universities Retirement (80 Ill. Adm. Code 1600)  
-First Notice Published: 41 Ill. Reg. 10237 – 7/28/17  
-Expiration of Second Notice: 11/18/17

Transportation

92-455-17-10879 EAD

19. Illinois Cycle Rider Safety Training Program (92 Ill. Adm. Code 455)  
-First Notice Published: 41 Ill. Reg. 10879 – 8/25/17  
-Expiration of Second Notice: 12/1/17

**EMERGENCY RULEMAKINGS**

Commerce and Economic Opportunity

14-0527-17-13104E ES

20. Economic Development for a Growing Economy Program (EDGE) (14 Ill. Adm. Code 527)  
-Notice Published: 41 Ill. Reg. 13104 – 10/20/17

Human Services

89-50-17-12890E

21. Child Care (89 Ill. Adm. Code 50)  
-Notice Published: 41 Ill. Reg. 12890 – 10/13/17

Healthcare and Family Services

89-153-17-12632E

22. Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)  
-Notice Published: 41 Ill. Reg. 12632 – 10/6/17

**PEREMPTORY RULEMAKINGS**

Central Management Services

80-310-17-12179P

23. Pay Plan (80 Ill. Adm. Code 310)

-Notice Published: 41 Ill. Reg. 12179 – 9/29/17

Human Services

89-121-17-12905P

24. Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)

-Notice Published: 41 Ill. Reg. 12905 – 10/13/17

**INTERNAL RULEMAKINGS**Natural Resources

2-876-17-12595A

25. Implementation of the Illinois Freedom of Information Act (Repealer) (2 Ill. Adm. Code 876)

-Notice Published: 41 Ill. Reg. 12595 – 10/6/17

2-1580-17-12597A

26. Access to Records of the Historic Preservation Agency (Repealer) (2 Ill. Adm. Code 1580)

-Notice Published: 41 Ill. Reg. 12597 – 10/6/17

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of October 17, 2017 through October 23, 2017. These rulemakings are scheduled for review at the Committee's November 7, 2017 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
12/1/17	<u>Department of Transportation</u> , Illinois Cycle Rider Safety Training Program (92 Ill. Adm. Code 455)	8/25/17 41 Ill. Reg. 10879	11/7/17
12/1/17	<u>Health Facilities and Services Review Board</u> , Health Care Worker Self-Referral (77 Ill. Adm. Code 1235)	6/2/17 41 Ill. Reg. 6317	11/7/17
12/2/17	<u>Department of Aging</u> , Community Care Program (89 Ill. Adm. Code 240)	3/24/17 41 Ill. Reg. 3251	11/7/17
12/2/17	<u>Illinois Board of Higher Education</u> , Private Business and Vocational Schools (23 Ill. Adm. Code 1095)	6/30/17 41 Ill. Reg. 7349	11/7/17

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of Information:

Index of Department of Revenue Sales and Miscellaneous Tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 2017. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

- Computer Software
- Enterprise Zones
- Gross Receipts
- Manufacturing Machinery & Equipment
- Miscellaneous
- Sale of Service
- Tobacco Products Tax Act

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of

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NOTICE OF PUBLIC INFORMATION

the ruling letters may be downloaded free of charge from the Department's World Wide Web site at [www.tax.illinois.gov/](http://www.tax.illinois.gov/).

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Beverly Langenfeld  
Legal Services Office  
101 West Jefferson Street  
Springfield IL 62794

217/782-2844

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 2017 THIRD QUARTER SALES &amp; MISCELLANEOUS TAX SUNSHINE INDEX

**COMPUTER SOFTWARE**

ST 17-0027-GIL 07/17/2017 This letter discusses the requirements for a license of computer software. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 17-0006-PLR 08/14/2017 A provider of software as a service is acting as a serviceman. If the provider does not transfer any tangible personal property to the customer, then the transaction generally would not be subject to Retailers' Occupation Tax, Use Tax, Service Occupation Tax, or Service Use Tax. If the provider transfers to the customer an API, applet, desktop agent, or a remote access agent to enable the customer to access the provider's network and services, it appears the subscriber is receiving computer software that is subject to tax. See 86 Ill. Adm. Code Parts 130 and 140. (This is a PLR.)

**ENTERPRISE ZONES**

ST 17-0009-PLR 09/14/2017 Under the Enterprise Zone building materials exemption, a deduction from Illinois Retailers' Occupation Tax liability exists for gross receipts from retail sales of materials that will be incorporated, by remodeling, rehabilitation, or new construction, into real estate located in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act. (See 35 ILCS 120/5k and 86 Ill. Adm. Code 130.1951(e).) (This is a PLR.)

**GROSS RECEIPTS**

ST 17-0008-PLR 09/14/2017 Membership fees are not gross receipts from the sale of tangible personal property. Membership fees are gross receipts received in exchange for an intangible. See 86 Ill. Adm. Code 130.401(d) and 86 Ill. Adm. Code 140.101. (This is a PLR.)

**MANUFACTURING MACHINERY & EQUIPMENT**

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- ST 17-0007-PLR      08/16/2017      Under the Retailers' Occupation Tax Act, the manufacturing machinery and equipment exemption is available for machinery and equipment used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330. (This is a PLR.)
- ST 17-0031-GIL      09/19/2017      Under the Retailers' Occupation Tax Act, the manufacturing machinery and equipment exemption is available for machinery and equipment used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. Machinery and equipment used to manufacture compressed natural gas can qualify for the exemption. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

**MISCELLANEOUS**

- ST 17-0028-GIL      08/14/2017      Generally, the sale of an admission ticket is the sale of an intangible. Intangible personal property is not subject to sales tax. See 86 Ill. Adm. Code 130.120. (This is a GIL.)
- ST 17-0029-GIL      07/31/2017      This letter responds to an annual survey. (This is a GIL.)

**SALE OF SERVICE**

- ST 17-0030-GIL      09/19/2017      If no tangible personal property is transferred to the customer, then no Illinois Retailers' Occupation Tax or Service Occupation Tax would apply. See 86 Ill. Adm. Code Parts 140.301. (This is a GIL.)

**TOBACCO PRODUCTS TAX ACT**

- ST 17-0010-PLR      09/22/2017      The tax is on any person engaged in business as a distributor of tobacco products. See 35 ILCS 145/10-10). (This is a PLR.)

## POLLUTION CONTROL BOARD

## NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

## NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a) (2016)) requires the Illinois Pollution Control Board (Board) to adopt regulations that are "identical in substance" to hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA). These USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2015)). The federal RCRA Subtitle C hazardous waste management (HWM) regulations are found at 40 C.F.R. 260 through 268, 270 through 273, and 279.

Similarly, Section 22.40(a) of the Act (415 ILCS 5/22.40(a) (2016)) requires the Board to adopt regulations that are "identical in substance" to Municipal Solid Waste Landfill (MSWLF) regulations adopted by the USEPA. These USEPA rules implement Subtitle D of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle D) (42 U.S.C. §§ 6941 *et seq.* (2015)). The federal RCRA Subtitle D MSWLF regulations are found at 40 C.F.R. 258.

Sections 22.4(a) and 22.40(a) also provides that Title VII of the Act (415 ILCS 5/26 *et seq.* (2016)) and Section 5-35 of the Administrative Procedure Act (5 ILCS 100/5-35 (2016)) do not apply to the Board's adoption of identical-in-substance regulations.

Section 7.2(a) of the Act (415 ILCS 5/7.2(a) (2016)) requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) allows the Board to extend the adoption deadline by causing *Illinois Register* publication of a notice of the extension and reasons for delay.

On October 19, 2017, the Board adopted an order in consolidated docket R17-14/R17-15 that set forth reasons for delay in updating 35 Ill. Adm. Code 702-704, 720-728, 733, 739, 810, 811, and 812. In that order, the Board stated as follows:

**ORIGINAL DEADLINE FOR FINAL BOARD ACTION**

Under Section 7.2(b) of the Environmental Protection Act (Act) (415 ILCS 5/7.2(b) (2016)), the deadline for the Board to complete either the RCRA Subtitle D MSWLF rulemaking or the RCRA Subtitle C hazardous waste rulemaking is based on USEPA's November 28, 2016 GIR. This was the earliest federal amendment included in either R17-14 or R17-15. As the Board's deadline is one year from that date, the Board must file its final amendments with the Office of the Secretary of State (SOS) by November 28, 2017. To meet this deadline, the Board would have had to adopt a proposal for public comment no later than September 7, 2017. The Board has not been able to do so.

## POLLUTION CONTROL BOARD

## NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENT

**REASONS FOR DELAY AND EXTENSION OF DEADLINE**

The Board encountered delays in developing a proposal for public comment. Recent identical-in-substance rulemakings have imposed significant demands on Board resources. The significant and voluminous amendments in the pending proceeding, SDWA Update, USEPA Amendments (July 1, 2016 through December 31, 2016), R17-12 (June 22, 2017) (proposal for public comment), delayed work on these rules. Further, the federal hazardous waste amendments of November 28, 2016, which include the "Hazardous Waste Export-Import Revisions," along with the GIR, are voluminous, extensively revise the hazardous waste generator requirements, and affect almost all parts of the hazardous waste rules. Incorporating these amendments into the Illinois rules has been requiring considerable effort.

For these reasons, the Board finds that delay was unavoidable and a deadline extension until June 1, 2018 is necessary to complete these amendments. To meet this extended deadline, the Board plans to follow the schedule below:

<b>Extended deadline:</b>	<b>June 1, 2018</b>
Board vote to propose amendments:	February 8, 2018
Submission for <i>Illinois Register</i> publication:	February 12, 2018
Probable <i>Illinois Register</i> publication:	February 23, 2018
Probable end of 45-day public comment period:	April 9, 2018
Board vote to adopt amendments:	April 19, 2018
End of 30-day hold period for USEPA review:	May 21, 2018
Probable SOS filing, amendments take effect:	May 28, 2018
Probable <i>Illinois Register</i> publication:	June 9, 2018

Under Section 7.2(b) of the Act, the Board extends—until June 1, 2018—the deadline for filing final amendments with the SOS. The Board also directs staff to cause *Illinois Register* publication of a "Notice of Public Information on Proposed Rules" that, based on this order, gives the reasons for delay and extends the deadline.

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 41, Issue 44 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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